United Nations A/AC.109/PV.1445

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1445th Meeting
Wednesday, 12 July 1995, 3 p.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 3.20 p.m.

Question of New Caledonia (A/AC.109/2028 and A/AC.109/L.1834)

The Chairman: I must begin by expressing my regret that my appeal for timely attendance has not been heeded. We will proceed regardless.

Hearing of a petitioner

The Chairman: May I take it that the Committee would be willing to hear the petitioner from New Caledonia today, as he is scheduled to depart for New Caledonia this evening?

It was so decided.

At the invitation of the Chairman, Mr. Yann Céléné Uregei (Popular Congress) took a place at the petitioners' table.

The Chairman: I call on Mr. Uregei.

Mr. Uregei (Popular Congress) (*interpretation from French*): I wish at the outset, on behalf of the Popular Congress, to congratulate the Chairman of the Special Committee on his election, which reflected the full confidence of the members of the Committee. The Popular Congress is fully prepared to cooperate with the Committee with respect to Kanak independence and to the International Decade for the Eradication of Colonialism. I am grateful for the Committee's invitation to the Popular Congress to participate in this meeting.

Today I shall speak of the results of six years of the implementation of the Matignon Accords, the resumption of nuclear testing in the Mururoa Atoll, the practical organization of the Kanak people's sovereignty, and the political apparatus put in place with the election of Jacques Chirac as President of the French Republic, an apparatus harmful to Kanak independence.

On Sunday, 9 July last, elections were held to renew the provincial assemblies — the institutions set up by the Matignon Agreements. Now let us take a look at the balance sheet after six years of implementation of these Agreements.

First, there has been a race for money. The personal wealth of the President of North Province, Léopold Jorédie, has just reached 2 billion francs, and the elected official of that Province is receiving a salary of some $5,000 a month. Members of the pro-independence movement are getting rich at the expense of the Kanak people. The people have lost the momentum of their struggle for liberation and remain in the same social situation as before. Since the application of the Matignon Agreements, 10 tribes made up of squatters have been formed in Nouméa.

The provinces are now occupying the leadership positions. People close to the Presidents of the Provinces are being paid for no work. The Matignon Agreements have set up a Kanak bourgeoisie.

The electorate for the 1998 referendum has already been determined by law. The French, who already have an independent country, are participating in the voting

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The Matignon Agreements thus deny the right of the Kanak people — a colonized people — freely to determine their own political future.

The situation is far from being brought back into equilibrium. On the contrary, the economic and cultural gaps between the three provinces remain the same.

In order to tackle the Matignon Agreements, and in the context of the International Decade for the Eradication of Colonialism, the second General Popular Congress and 32 traditional dignitaries proclaimed unilaterally, on 24 September 1994 in Naratch Arama, the sovereignty of the Kanak people. France stole our country on 24 September 1853, unilaterally establishing its sovereignty throughout the country through brutal colonization. The Kanaks were hived off in land reserves belonging to the colonial State. There are 37 major traditional leaders in New Caledonia, of which 32 exercised their rights by proclaiming the sovereignty of the Kanak people in Naratch on 24 September 1994.

In the wake of this unilateral proclamation of the sovereignty of the Kanak people, the Popular Congress has been organizing, in a traditional manner, the Kanak people in eight cultural spheres in order to form the basic Popular Congress. This organization is following traditional customs, independently of political parties and elections. Our strategy is intended to apply popular democracy, in accordance with traditional practice, to redress and avoid what is happening today, with political parties deciding matters in the stead of the Kanak people. All the Kanak people live within his traditional framework.

Since the election of Jacques Chirac as President of the Republic, France has been governed by the RPR political party, which is a danger to Kanak independence, as evidenced by the resumption of nuclear testing in the Mururoa atoll. The questions of Tahiti's independence and of nuclear testing are linked. This decision by President Chirac has encountered opposition throughout the Pacific region, especially in Tahiti and New Caledonia. How would France like it if Chirac were to detonate his bomb at the foot of the Eiffel Tower or in the Elysée? For France, there is no danger.

The President of the South Province, who belongs to Jacques Chirac's RPR party, has already announced his intention to defer the referendum for 30 years. The French Government has not yet responded, but with the election of Chirac, it is likely that Jacques Lafleur's proposal will be taken on board. The President of the South Province prefers to rely on the outcome of the provincial elections of 9 July 1995, according to which the South Province now belongs to the anti-independence movement, with the North Province and the Iles Loyauté Islands going to the pro-independence movement. There is no longer a party majority, but a coalition majority, for the election of the provincial President.

The demands for dignity, freedom and identity for the Kanak people served as a catalyst for the union of the Kanak people and as the source of all the liberation struggles and revolts until the official demand, on 22 June 1975, for Kanak independence.

This resistance today prompts us to take a unitary, traditional approach, that of the Kanak Popular Congress, to demand de facto respect for the sacrosanct rights of the Kanak people: to be fully recognized as a separate people; to be considered as the only legitimate people of the Kanak nation; to exercise self-determination in dignity and freedom; to recover all their lands in order to set up a fully integrated Kanak nation; and the immediate exercise of its sovereignty with no conditions or restrictions, which would enable it freely to choose its status: socialist Kanak independence based on our traditional structures.

We demand the respect and the effective and speedy implementation of the declarations of the French Government, which recognized, in Naiville-les-Roches, our inherent and inalienable right to independence. The Kanak people demand that this right be recognized, just as de Gaulle, in his day, recognized the right of the Algerian people.

The Naiville-les-Roches declaration of July 1983 recognized the Kanaks as the first and lawful inhabitants of the Territory and, as such, having an inherent and inalienable right to independence. The Kanak people are the only possessors of this right. A colonial Power cannot dispose of the right to self-determination of a colonized people, nor can it deny that right. There is only one solution: to establish immediately privileged relations with a sovereign and independent Kanak people.

We affirm our existence, which is rooted in our cultural identity and our own traditional values. We reaffirm our commitment to the cultural identity of the Kanak people by paying tribute to the memory of our ancestors, the source of our strength and the origin of our common heritage.

Our traditions are living, and our elders have been able to ensure the continuity of our customs and wisdom from generation to generation, even to the present day, by proclaiming the fundamental principles of our cultural heritage to future generations. We seek to establish socialist Kanak independence on the basis of our own cultural values and to struggle to the end for the recognition and defence of our traditional identity.

During the International Decade for the Eradication of Colonialism, the French Government has managed, with the help of certain Kanak leaders and through anti-democratic and dictatorial means, to set up in New Caledonia, for a period of 10 years, a plan to recolonize and integrate the Kanak people in order to safeguard its own interests. This is a trap set by the French Government that we have never ceased to denounce.

With the opening of the Common Market, New Caledonia was colonized by the 12 member countries of the European Economic Community, thus strengthening the Rocard plan.

The Kanak people therefore note that their customs and rights are in jeopardy. Article 60 of the referendum law takes away from the traditional people their right to manage their lands and development.

The Matignon Agreements, which do not guarantee independence, have put people at odds with each other by introducing uncontrolled development through new institutional structures. This is leading to the destruction of our culture and customs, and the Kanaks are in mourning.

Considering France's unilateral takeover of our country on 24 September 1853, the misdeeds of the 141-year-long colonial oppression of the Kanak people, the implementation of the Matignon Agreements aimed at destroying our cultures and customs, the self-determination referendum in 1998, which deprives the Kanak people of the right freely to decide their future, and the Kanaks' alienation from their own country, the second Popular Congress and 32 traditional chiefs proclaimed unilaterally the sovereignty of the Kanak people on 24 September 1994 in Naratch Arama.

The political, economic and social organization of the country will be carried out in accordance with popular democracy, in the context of our traditional structures, to build a Kanak socialism that is independent of the political forces that divide and tear apart the Kanak people.

We ask the French State unilaterally to restore the Kanak people's sovereignty. We call on all independent sovereign States and international public opinion to recognize the sovereignty of the Kanak people, as proclaimed on 24 September 1994 in Naratch Arama.

The petitioner withdrew.

Question of East Timor (A/AC.109/2026) *(continued)*

At the invitation of the Chairman, Mr. Luís Manuel Costa Geraldes (Member of Parliament/Social Democratic Party, Portugal) took a place at the petitioner's table.

The Chairman: I call on Mr. Costa Geraldes.

Mr. Costa Geraldes (Member of Parliament/Social Democratic Party, Portugal): In my capacity as a Member of the Portuguese Parliament for the Social Democratic Party, this is the third consecutive year that I have had the honour and the privilege to address the Special Committee on the question of East Timor. I must confess that, at times, I have experienced moments of tremendous frustration regarding this noble cause, mainly due to the hypocrisy and double standards of politicians and nations as well as the lack of willingness of the international community to resolve this problem with justice and dignity.

However, a mysterious feeling tells me that the situation in East Timor is about to take a different path and that the suffering, the torture and the humiliation to which the Timorese people have been subjected for the past two decades will, in the near future, change course and the conditions necessary for self-determination and freedom will be established. That destination is not yet near, I admit, but the road has been laid out and the necessary work seems to be about to start.

Unfortunately, East Timor continues to occupy a significant part of Amnesty International's report for 1995; the same applies to the 1995 human rights report. On East Timor, this report states that no progress was made in accounting for the missing persons following the 1995 Dili incident -- which I shall call a massacre -- and troop levels remain unjustifiably high.

It goes on to say that non-governmental organizations and journalists continued to encounter difficulties or were denied access to East Timor.

It is a great shame for me, and certainly for the Special Committee and for the international community as a whole that towards the end of the century situations such as this persist. Having said that, and notwithstanding the attitude of the Indonesian dictatorial regime, events have recently taken place which lead me to think that the new road I referred to earlier is about to be paved.

The meeting of the representatives of the Timorese people held in Burg Schlaining, Austria, last June appears to be a reasonably big step in the right direction. There have been doubt and mixed feelings as to the outcome of the meeting. Yes, there were differences among the participants, but I am sure that there is nothing they cannot resolve themselves. These meetings must continue, and I urge the United Nations to encourage the participants to find common factors of understanding so that there will be no setbacks regarding the objectives pursued. I am certain that the participation in the meeting of Bishop Belo, with his knowledge, wisdom and love of his people, was and will in the future be the central core of the success of these meetings.

The final result of that first meeting, from my point of view, was certainly positive because it was the beginning of something. Another important event was the meeting between Dr. Durão Barroso, Foreign Minister of Portugal, and Mr. Ali Alatas, Foreign Minister of Indonesia, held in Geneva on 8 July 1995. As we all know, there have been several previous meetings — five, to be precise. Unfortunately, nothing of great significance has been reported as a result of these meetings, but this one appears to have been slightly different. The press release refers to the preservation and promotion of the cultural identity of the East Timorese. Statements of this nature are certainly welcomed and in themselves represent positive steps towards the achievement of an internationally acceptable solution for East Timor.

The Portuguese Parliament had the privilege and the honour to organize and host an International Inter-Parliamentary Conference on East Timor. The Conference was held in Lisbon on 31 May and 1 and 2 June 1995. More than 200 personalities, representing 32 countries, attended this Conference. The Conference was a success and the numerous contributions made by all the participants will certainly produce positive results in this international struggle of all men of goodwill.

The Conference unanimously approved the Lisbon Declaration, which is a strong condemnation of Indonesia. The Conference also produced and approved an international plan of action consisting of 25 points. I would note that some of the most important of those points were mentioned during the meeting yesterday. I am confident that this plan of action will represent an important tool to force Indonesia to accept the legitimate and legal demands of the people of East Timor.

Respect for the human rights, cultural values and dignity, as well as the right to self-determination of the people of East Timor is long overdue. The present situation is intolerable for men of goodwill and a shame for civilization.

I should like to mention that, this year, I had a plaque to commemorate the Lisbon Conference. It was left here yesterday and unfortunately I do not have a spare one. But the intention was to present it to the Committee in honour of the Conference. The objective was to remind each member of the Committee that East Timor must be free. I shall return to Lisbon tonight and, at the first available opportunity, I will make sure that, through our Mission here in New York, the Committee receives a copy of this plaque in commemoration of the Lisbon Conference on East Timor. May God bless all men of goodwill in noble causes of this magnitude.

The Chairman: I thank Mr. Costa Geraldes for the gesture he was going to make. Unfortunately, it could not take place but we appreciate it nevertheless.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Manuel Tomás Rodriguez Queiró (Member of Parliament/Social Democratic Center Popular Party, Portugal) took a place at the petitioners' table.

The Chairman: I call on Mr. Rodriguez Queiró.

Mr. Rodriguez Queiró (Member of Parliament/Social Democratic Center Popular Party, Portugal): I am speaking on behalf of SDC Popular Party representatives in the Portuguese Parliament. It is often said of the Portuguese decolonization process that the richness of its intentions was undermined by the poverty of its results.

In April 1974, the colonialist regime that had ruled the destiny of the nation for almost 50 years was set aside by the boldness of those who had silently dreamt the dream of democracy. Internally, a new constitution that would consecrate fundamental freedoms and respect

for the human rights of all people, irrespective of colour, race or creed, was required. That important compilation of fundamental rules was put in writing by an assembly composed of all emerging political forces, thus achieving the authority that they conferred upon their work.

Internationally, it was imperative to reward the dramatic struggle of colonies for self-determination with swift and unequivocal recognition of their independence as States, as peoples, as cultures, and as territories.

Circumstances, however, dictated that the decolonization the Portuguese Government was trying to implement would suffer different treatment in the case of East Timor. The problem at hand was the destiny of 600,000 human beings, and the desire of a large number of them to remain under Portuguese administration. Political responsibility for the present situation of East Timor is undoubtedly shared by the Portuguese Government of that time. It is unquestionable that the methodology of conveying the power of government to previously chosen political forces had its weaknesses, but it should never have been used as a pretext for occupation, against all principles of international law and United Nations resolutions — with which, I might add, Indonesia, as a Member State, is compelled to comply. Let us not forget that the occupation of East Timor by military forces of the Republic of Indonesia in December 1975 was the object of immediate condemnation by the General Assembly and by the Security Council.

It is common knowledge that the people of East Timor has been subjected to a policy of genocide ever since, a policy responsible for more than 200,000 casualties to date. The images of the massacre of November 1991 remain in our collective memory as a symbol of the desperate struggle of the people of East Timor for independence.

The international community of States has the responsibility to make Indonesia see reason. The Republic of Indonesia should be urged to ensure the right to self-determination of this people, of this Territory, of this culture — or to acknowledge Portugal's status as the Administering Power of East Timor, for the sole purpose of engaging in exactly the same procedure. Furthermore, all Governments that supply the military regime of Indonesia with weapons should refrain as a matter of urgency from doing so. Otherwise, they will be deemed directly responsible for the massacres, and in violation of the existing embargo on such trade. Governments and parliaments of all countries must agree on the need to ensure that the human rights of the people of East Timor are respected by the authorities of Indonesia, and that no violation of these rights remains unreported to world public opinion.

The freeing of all political prisoners is the first gesture of good will we demand from the Indonesian Government.

Four days ago the Secretary-General, Mr. Boutros Boutros-Ghali, and the Foreign Ministers of both Portugal and Indonesia met in Geneva for a sixth round of talks on the situation in East Timor. The right of the people of that Territory to self-determination was then, and will continue to be, at the centre of all disagreements until a satisfactory conclusion is reached. One could not say that there is a quarrel between the two countries over anything else of substance in this matter. The fact is that, along with known violations of human rights — again highlighted in the course of the Committee's meetings — the problem lies in the long-standing resistance of the Indonesian Government to recognizing that right and cooperating in enabling the East Timorese to exercise it. That is why the Indonesian authorities are in conflict over East Timor not with Portugal, which they would prefer, but with the international community. The right of its people to self-determination was proclaimed by the General Assembly in its resolution 37/30, whose principles were very recently unanimously reaffirmed in the declaration by all the political parties of East Timor gathered at the reconciliation conference held in early June in Austria, which had been previously approved and supported by Indonesian officials.

The international community is therefore expected to continue its efforts and intensify its pressure on the Indonesian Government to take further steps towards an internationally acceptable solution to East Timor that would take into consideration that particular right of its people. Those steps should serve as conditions for further developments, the beginning of a genuine process of demilitarizing the territory, and the acceptance of the permanent presence of a United Nations delegation in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Miguel Urbano Tavares Rodrigues (Member of Parliament/Communist Party, Portugal) took a place at the petitioners' table.

The Chairman: I call on Mr. Tavares Rodrigues.

Mr. Tavares Rodriguez (Member of Parliament/ Communist Party, Portugal) (*interpretation from French*): My name is Miguel Rodrigues, and I am a Communist Member of the Portuguese Parliament. Last year in petitioning the Special Committee I regretted the international community's inability to enforce the United Nations Charter. For some 20 years the Republic of Indonesia has illegally occupied East Timor; its Government has refused to respect the decisions of the Security Council relating to the withdrawal of its troops and the exercise by the Maubere people of its right to self-determination and independence. Yet for 20 years that people has resisted the oppressor, waging an ongoing struggle to defend its national identity.

Indonesia's arguments attempting to justify the integration of East Timor cannot be taken seriously. They are not merely unacceptable; they are ridiculous. But General Soeharto has used his country's vast economic potential and strategic importance to create a network of complicity. Thus, the United States and Australia have recognized as a *fait accompli* the illegal annexation of Timorese territory that is in fact under Portuguese administration.

Despite what Foreign Minister Ali Alatas keeps saying about the need for confidence-building measures, the generals in Dili who represent the occupying Power continue to act as if East Timor were a rebellious colony. Amnesty International's annual report confirms that human rights violations in the Territory continue and are growing more diverse. There are numerous cases of detainees, such as Salvador Sarmento, being subjected to torture.

What Mr. de Faux told the Committee yesterday concerning his personal experience indicates a monstrous situation. His evidence, however, reflects the reality.

General Herman Mantiri, the former commander of the occupying army in East Timor, who was nearly appointed Ambassador to Australia, defined as a "correct action" the brutal intervention of his forces during the Santa Cruz massacre. Such a statement in itself expresses the mentality of the Soeharto dictatorship.

The facts prove that, despite the promises occasionally made by the Jakarta Government, Indonesia is maintaining its real opposition not only to serious negotiations on the future of the Territory, but also to routine enquiries made in East Timor by international observers. It is also refusing access to the Territory to the international press and to non-governmental organizations linked to the protection of human rights.

It is true that the Jakarta Government, under the pressure of international opinion, is maintaining direct talks with Portugal under the aegis of the Secretary-General. The most recent meeting, held at the level of the Foreign Ministers of both countries, took place last week. It would nevertheless be naive to cherish any illusions. Jakarta, which does not honour its commitments to respect the most fundamental human rights, wishes above all to play for time. Ms. Vanessa Ramos of the International Platform of Jurists for East Timor told us here yesterday that her meetings, under the aegis of the Secretary-General, are becoming routine and have ceased to be serious. There is a need to change the approach.

The situation has clearly changed since the Santa Cruz massacre. The Indonesian dictatorship is well aware that the occupation by force of East Timor has become an international problem. Jakarta is embarrassed, for the magnitude of the world movement of solidarity with the Maubere people is helping to unmask the regime. The stands taken by the European Commission, the European Parliament, the Assemblies of the Council of Europe and the Western European Union, the United Nations Commission on Human Rights and several national Parliaments have all been setbacks for Jakarta.

However, the privileged relations which the United States maintains with the Indonesian Government are a highly negative factor. Washington's friendly policy is urging General Soeharto to intransigence. The complicity of the United States with the invasion is well known — it was reconfirmed for me here in Central Park — and has been denounced on countless occasions. The recognition of the annexation is an amoral gesture. There was hope that the present Administration would bring a change of policy. Reality has belied these hopes. It is true that numerous members of Congress are becoming ever more sensitive to the problem of human rights violations in East Timor. It is also true that the mass media are taking a position in defence of the right of the Maubere to self-determination and independence.

However, the official American position is rank with hypocrisy. The Administration cannot deny that it is perfectly well aware of what is taking place in East Timor. The most recent report of the State Department on the human rights situation provides us, in the chapter on Indonesia, with a nightmarish description. Everything is in there. The document recognizes that, in East Timor,

torture and other "cruel and inhuman" punishments are routine, as are arbitrary detention and persecution on religious grounds. However, President Clinton has adopted an ambiguous, if not to say pharisaical attitude towards the question of East Timor. In Bogor, where his displays of sympathy for General Soeharto were shocking, he kept to generalities concerning Timor. This policy is full of contradictions revealing the complicity between Washington and Jakarta, as was emphasized here yesterday by Mr. Charles Scheiner of the East Timor Action Network. In fact, as he said, Indonesia has already succeeded in finding an advocate in Congress.

The International Court of Justice declared in The Hague a few days ago that it was not competent to pass judgment on the complaint of Portugal, as the administering Power, concerning the so-called Timor Gap treaty signed by Australia and Indonesia to exploit Timorese petroleum resources. This refusal to pass judgment was predictable, for Indonesia does not recognize the jurisdiction of The Hague. However, the Portuguese position in defence of the people of East Timor has been strengthened by the fact that the highest international court of justice has emphasized that the Territory is under a situation of intervention, that is, an illegal one. The right of the Maubere nation to self-determination has thus been recognized by the International Court of Justice. This is an act of enormous moral and legal significance which has taken place at a time when, on the world level, there is a growing movement to reject the criminal policy of Indonesia in East Timor in defiance of United Nations resolutions.

The most recent demonstration of the lack of any concept of ethics in political dialogue was offered by Indonesia following the meeting of Timorese personalities in Schlaining, Austria. Under orders from Jakarta, the representatives of the integrationist movement who came from the interior of the Territory declared partially null two points of the document which they had just signed after reaching a consensus with their partners from the exterior who favoured self-determination. It should be recalled that these spokesmen of the Jakarta Government rejected above all the reference to resolution 37/30 of 23 November 1982.

A very important event has recently brought the focus of world public opinion particularly to bear on the suffering of the people of East Timor: the Inter-Parliamentary Conference that took place in Lisbon from 31 May to 2 June at the initiative of the Portuguese Parliament. This Conference has been discussed here in detail.

Parliamentarians from over 30 countries and numerous eminent personalities from all continents declared their determination to pursue and strengthen solidarity with the Maubere people. In the Lisbon Declaration, which was approved unanimously, we find a genuine programme of action. I wish to recall here four of its demands: a call for measures that would make more effective the embargo on weapons sales to Indonesia, sales which have been condemned by the European Parliament; the immediate liberation of Xanana Gusmão and of all Timorese political prisoners detained in Timor and in Indonesia; the participation of Xanana Gusmão and the representatives of the resistance in the negotiations being held under the aegis of the Secretary-General of the United Nations; and respect by Indonesia for United Nations resolutions on East Timor.

I hope the Committee will do its best to ensure that the demands made by the Lisbon Conference will be heard in the United Nations. The Lisbon Conference also voiced a wish, to the achievement of which this Committee could contribute: the proclamation by the United Nations of 7 December — the date of the invasion — as the international day of East Timor.

After 20 years of struggle, the Maubere people has become a collective hero of humanity. It is resisting and will continue to resist the occupying forces. Helping this outstanding people to win its battle for freedom is a humanist duty. As I said at the Lisbon Conference and repeat here before the Committee, upon each of us depends, to a certain extent, whether or not the door to Maubere self-determination shall be opened.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Luis Filipe Dias Amado (Member of Parliament/Socialist Party, Portugal) took a place at the petitioners' table.

The Chairman: I call on Mr. Amado.

Mr. Amado (Member of Parliament/Socialist Party, Portugal): I address you as a member of the Portuguese Socialist Party, the leading opposition party in the Portuguese Parliament, on the issue of the self-determination of the people of East Timor.

As the Committee well knows, this issue is not perceived in Portugal as a partisan or ideological issue. It is truly viewed as a national issue that has stirred Portuguese public opinion, drawn the attention of the

media and mobilized Portuguese society and policy-makers, the President, the Parliament and the Government.

In the Portuguese Parliament, the basic unity on the issue of East Timor has always inspired the workings of our special committee for the assessment of the situation in that territory. That Parliamentary committee has devoted great effort, within its ability, to achieve a satisfactory solution to this problem, the highlight of which was the Inter-Parliamentary Conference on East Timor held in Lisbon from 31 May to 2 June 1995.

The success of the Conference is clear proof of the growing international support for the cause of East Timor. It brought together representatives of 32 countries from all sides of the political spectrum, different cultures and religious sensitivities, all united for the cause of the dignity of the Timorese people, united in defence of the identity and heritage of that people, united in defence of their right to decide their own destiny.

The Conference approved some actions to be taken within the United Nations which have already been reviewed here by the Canadian Member of Parliament. They include Indonesia's honouring its duty to accord to the people of East Timor the right of self-determination accorded them by international law. Portugal, in compliance with its status as administrating Power of the Non-Self-Governing Territory of East Timor, as recognized by the United Nations, has attempted to take appropriate actions to advance the right of the people of East Timor to exercise their self-determination according to the stipulations of articles 73 and 74 of the United Nations Charter.

This has been the guiding principle of Portuguese diplomacy over the past several years, certain as it is that diplomacy is the only way to achieve a definitive solution to the problem of East Timor. On the one hand, our diplomacy has contributed to a deeper understanding by the international community of the plight of East Timor. This is an essential stimulating factor in the continuing search by the United Nations for a satisfactory solution under international law. In the Commission on Human Rights, this Special Committee, in the European Parliament or the Western European Union, Portugal has consistently defended the rights of the Maubere People, victims of intolerable violence by Indonesia, whose behaviour has been that of a colonial Power.

But on the other hand, Portugal has maintained direct talks with Indonesia under the auspices of the Secretary-General. These discussions gained new momentum in the aftermath of the 12 November 1991 massacre, which shocked the civilized world. That massacre suddenly made East Timor more visible to the world, and international pressure on Indonesia immediately increased.

This process of negotiations led recently to an intra-Timorese dialogue, also under the auspices of the United Nations. A continuing dialogue among the Timorese is absolutely necessary to a final solution to this problem. The Timorese question is not a bilateral issue between Indonesia and Portugal, as Portugal has consistently stated. It is first and foremost an issue for the international community.

The right of peoples to decide their own fate is one of the basic principles of the international system created by the United Nations. Since its foundation, well over 70 nations subject to colonial rule have become Members of the Organization as sovereign and independent States. Indonesia is among those States.

Efforts towards decolonization are guided by the principle of the equal right to self-determination of all peoples. Only by an act of self-determination by the Timorese people duly acknowledged by the United Nations can the process of decolonization of East Timor be considered concluded. Portugal will accept the outcome of that act of self-determination and the ensuing political status of the Territory.

In the meantime, Indonesia's continuing occupation of the Territory in defiance of United Nations resolutions is a challenge not only to the authority of the United Nations and its Security Council, but also to its ability to build the new world order required by the end of the cold war.

This is not only a matter of settling one of the last questions of decolonization. It is a question of showing that the activities of the United Nations can be determined not only by political realities or the balance of forces, but also by a consistent defence of principles and values. It is widely known that the end of the cold war has brought about a new awareness of the rights of peoples and ethnic minorities. The activities of the United Nations should focus more and more on this new awareness.

East Timor, unlike Kuwait, is not a sovereign State; nor does its occupation pose a threat to the interests of

any great Power. It is no more than a small Non-Self-Governing Territory whose people have not been allowed a free say on the issue of their political status. The ability of the United Nations to see to the implementation of the deliberations on this issue will show the effectiveness of the United Nations in ensuring the basic rights of weak nations and ethnic minorities, as well as its ability to implement the doctrines of the Charter of the United Nations. The legitimacy of the United Nations is thus put to a decisive test in the eyes of international public opinion.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Domingo M. das Dores Soares, Regent of Dili, took a place at the petitioners' table.

The Chairman: I call on Mr. Soares.

Mr. Soares (Regent of Dili): First of all, I should like to express my gratitude to you, Sir, and the other members of the Special Committee for giving me the opportunity to address this body. Before proceeding further, I would like to introduce myself to the Special Committee, as this is my first appearance, so that no doubts will be cast as to my responsibilities and the unwavering commitment I owe to my homeland and to the East Timorese people.

My name is Domingo Soares and I am an East Timorese who was raised and who currently lives in the province. I now have the honour to serve as the Regent of Dili, the capital city of East Timor. I have appeared before the following forums: the Commission on Human Rights in Geneva, in 1992; the all-inclusive intra-East Timorese dialogue held in Burg Schlaining, Austria, from 3 to 5 June 1995; and the seminar on decolonization held last week in Port-of-Spain, Trinidad and Tobago. I have also accompanied the Governor of East Timor on many occasions to welcome visitors to the province. These have included foreign journalists, diplomats and representatives of international humanitarian organizations and human rights organizations. I was the Mayor of Dili from 1990 to 1993 and had the opportunity to meet also with representatives of the Secretary-General, including Mr. Amos Wako, who visited the province to make his observations on the aftermath of the tragic Dili incident of 12 November 1991. I visited Australia as the head of the sports contingent from East Timor for the Arafura Games.

I should like to share my impressions of the ongoing deliberations on the question of East Timor in the Special Committee. It is indeed distressing to note how the same international organizations appearing as petitioners here have voiced unfounded and totally negative views consistent with the same prejudiced opinions in their publications on the situation in my homeland. It appears that they seem intent on launching a concerted campaign not for the promotion of human rights, but merely for self-serving interests. The views expressed here, especially on fair trials, are in contradiction to these petitioners' actions. In the light of the growing understanding by the international community of the East Timor issue, these desperate individuals have seized every available method, including advanced communications, to mislead the international community against Indonesia. My observations so far in this Committee have led me to the conclusion that the small number of members participating demonstrates the lack of interest in this issue on the part of the Committee. On the other hand, from the appearance of such a large number of petitioners it would be more appropriate to rename this Committee as the "Committee of Petitioners". I can assure members that if I so desired I could invite more than 1,000 participants to speak as petitioners. But this is not the correct forum to discuss the issue.

I myself was a participant in the recent all-inclusive East Timorese dialogue and heard diverse views expressed, but I have never heard such unfounded allegations. I find the motivations for such actions confusing. How can any one present here know more about the wishes of the East Timorese than the East Timorese themselves? We have not elected all these petitioners to speak on our behalf, so I presume that there must be some other hidden personal agendas relating not to the question of East Timor and the wishes of its people, but to the discussion of other extraneous issues that have nothing whatsoever to do with East Timor or the East Timorese people.

I appear before the Committee as a petitioner to apprise it of the factual situation with regard to East Timor. I am aware that for the United Nations there are some basic questions that need to be addressed. These include the following: Is Portugal still the administering Power of East Timor? Can East Timor be considered a Non-Self-Governing Territory? Does East Timor require a representative to speak on its behalf, and who should appoint that individual or country? Is it true that the process of decolonization has not been concluded? And should the people of East Timor be enabled to determine their own future, including by electing to integrate with the Republic of Indonesia?

I believe that in order to have a realistic picture of the situation in East Timor it is necessary to recall the pertinent historical facts. In this regard, I emphasize that Portugal is not — has ceased to be — the administering Power of East Timor. Why do I refer to that fact? Portugal as the then colonial Power was unable to complete the decolonization process in the Territory. It is important to mention briefly the factors upon which I base my views. It was on 1 June 1975 that one of the political parties in East Timor, Apodeti, refused to hold a dialogue with the Portuguese colonial authorities because it was common knowledge that Portugal favoured the leftist group, the Frente Revolucionária de Timor Leste (FRETILIN). On 25 June 1975, Portugal abdicated all responsibility with respect to East Timor by making a quick exit from the Territory to Atauro island. After that, the colonial authorities fled back to Lisbon. Basically, Portugal left the region in a state of civil war and strife which was actually its own doing, first by leaving the colonial Territory with no political governance whatsoever, and also by its careless overall attitude as regards overseeing the exercise of self-determination by the people of East Timor.

There is no doubt in my mind that the biased and prejudiced position of colonial Portugal contributed to the bloody civil war and the confusion. It led to FRETILIN refusing to participate in the Macao meeting of June 1975, which was convened by Portugal and also attended by the four other political parties. On 29 November 1975, FRETILIN, openly favoured by the colonial Power and without any legal basis, unilaterally declared the independence of East Timor. It also expedited the decision of the Timorese Democratic Union (UDT), Apodeti, Trabalhista and KOTA, representing the majority of the people of East Timor, to petition for integration with Indonesia on 30 November 1975. In this regard, it is important to recall that the Foreign Minster of Portugal, in his letter dated 22 August 1975 addressed to the Secretary-General, admitted that the violent conflict was beginning to engulf the neighbouring area and that Portugal was unable to bring the situation under control.

After expressing its inability to cope with the responsibilities of an administering Power and after its past actions which fomented such disorder, can Portugal be considered still to be the administering Power of East Timor? I have to question the basis upon which Portugal assumes its historical, moral, legal and political responsibilities as the administering Power of East Timor. Will Portugal never accept the reality of the facts concerning East Timor or take responsibility for fuelling such violence and bloodshed?

East Timor is no longer a Non-Self-Governing Territory, as the decolonization process was completed when the Provisional Government of East Timor was established on 17 December 1975. In fact, because of the civil war in the Territory, the Provisional Government had assumed responsibility when the administering Power hastily left East Timor. At that time, as the representative of the East Timorese people, it requested the United Nations to assist in bringing some order and stability to the territory. The Organization did not respond and the Provisional Government of East Timor had to determine the appropriate course of action in the best interests of its people. In view of all these facts, I fail to understand why the United Nations should still consider East Timor to be a Non-Self-Governing Territory.

At this time it is also difficult to understand how anyone outside East Timor can claim to represent the wishes of the East Timorese people, particularly as the exercise of their right to self-determination has already taken place. Furthermore, there is a legitimate Government in East Timor, which has the support and confidence of its people. Why should there be further discussions on an issue which has been resolved?

It is important to note that our Legislative Assembly is the institution that represents the views of the East Timorese people. It is that body that issued the integration petition document on behalf of the people of East Timor, as it was firmly believed that integration with the Republic of Indonesia was the most feasible solution to overcome numerous problems resulting from decades of colonialism. By that action, we freed ourselves from the colonial Power. We, the East Timorese people, have the inalienable and inherent right to determine our future, and we have made that decision.

I believe that the United Nations is the organization entrusted with upholding the aspirations of countries under colonialism. It is also the appropriate forum for resolving conflicts among States. We therefore fervently hope that this Organization will respect the decision of our people. The East Timorese people never want to face the pain and sufferings caused by civil war. Civil strife in any society is a terrible burden to overcome, and even though all these years have passed we are still working to overcome that legacy. We who have experienced such tragedy never want to raise the spectre of civil war. To return to the process of decolonization in East Timor is to betray the very people who have endured so much as a result of those dark days of disorder and confusion.

The East Timorese people would now like to look forward to a peaceful, stable and prosperous future. To us, that means greater efforts exerted for development. We are engaged in the delicate process of nation-building. The East Timorese people themselves are the only ones capable of knowing what is in their best interests and of finding the path that would lead their province to attain peace, justice and stability. We accept the fact that no miracles were achieved overnight but we are justifiably proud of the substantive progress made in the various fields.

The importance of fostering prosperity in our homeland has been recognized by the people of East Timor as a key factor in improving living standards in the province. A number of significant developments have been taking place in various sectors: education, health, trade, agriculture and in the building of socio-economic infrastructures. In the educational sector, we are steadily raising the level of literacy. In this regard, school education is mandatory for nine years: six at the elementary level and three at the junior high school level. Practical training is emphasized from the early years for students to later become self-sufficient. In the area of agriculture, the southern part of East Timor is being developed with particular emphasis on agro-industries. A large irrigation project will facilitate its development. We are also encouraging skilled farmers, preferably of the Catholic faith, to settle in this region.

Religious life plays an important role in the province. It has been decided to build one Catholic church in every district in East Timor. The Dili district which I serve will have four more additional churches. A decision has also been taken to construct a large seminary for advanced-level education. It should be noted that in 1974, at the end of colonial rule, there were about 100 churches in the Territory. Today, religious life in East Timor is predominantly of the Catholic faith, with more than 700,000 followers and over 800 churches. Petitioners therefore alleging religious persecution are deliberately giving a totally false picture. The Catholic Church also works together with government agencies on programmes which will prove beneficial to the population.

Regarding the cultural identity of our people, I can speak with full conviction that, since 1975, cultural life has been developed. Tetum is now the language widely spoken among the East Timorese people. As for Portuguese heritage, the streets of the province are still named in Portuguese and some masses in the churches are still conducted in the Portuguese language. Historical relics have been preserved. I know that this is not the case in other former Portuguese colonies, where the heritage of colonial Portugal was destroyed. I ask these petitioners whether they know more about the cultural identity of our people that we are not aware of.

In accordance with Law No. 5 of 1974, the local authorities have assumed greater autonomy and are vested with the power to make their own decisions concerning their district's interests. This provides a certain incentive for the people to work towards set goals and priorities. We believe that, in order to meet the challenges of the future, everyone has an important role to play in the ongoing efforts. Let me also say that we are highly appreciative of the endeavours of international organizations that have implemented several programmes on overall welfare improvement in the province. We sincerely hope that the developmental assistance so generously given by several countries and international organizations will continue.

In conclusion, as regards the position of Portugal, I understand that it is attempting to correct its past irresponsible actions. But the only path to resolving any misunderstandings is through cooperation and dialogue with the Government of Indonesia, particularly to address the development prospects of East Timor. I would also like to appeal to this Committee to bring justice to the people of East Timor, listen to their voices and recognize their decision for integration with Indonesia. I urge this Committee to support our vision for peaceful development and individual opportunity.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Jose Martins III (East Timor KOTA party) took a place at the petitioners' table.

The Chairman: I call on Mr. Martins.

Mr. Martins (East Timor KOTA Party): A few days ago, I and the Timorese leaders representing several positions within the framework of East Timor politics had the opportunity for the first time in 21 years to sit, talk and meditate at Schlaining Castle in Austria as a result of the goodwill and efforts of the United Nations Secretary-General. This all-inclusive intra-Timorese meeting should be seen as an excellent work of the United Nations in that it brought together brothers of the same blood to discuss all matters resulting from a horrible civil war that occurred 20 years ago. This meeting also took place during the same year as the anniversary of the San

Francisco Conference of 1945, whose ideal of world peace and progress has benefited and brought greater hope to all humankind.

As sons of the East Timor people and in obedience to our ancestral ritual to name all those who have once shown care and interest for our reconciliation, we now extend our profound gratitude to the Government of Austria, a new member State of the European Union. In fact, all the Timorese leaders were very much delighted by the Austrian Government's help in a European land of peace, order, Christianity, consideration and respect. This, of course, will be forever remembered in the Asian human stadium where we belong.

Once again, we have here Timorese political veterans and novices to listen to everything that will be said by all speakers and/or petitioners. I myself made my debut at United Nations Headquarters in December 1975 as one of the representatives of the people of East Timor. Therefore, as ever, what I am going to say will be said with my usual frankness and honesty, no matter how it may displease some political forces or State Powers.

This is a time in our lives when there is a great need to look for peace, not war or confrontation. The news that our eyes, ears, minds and hearts receive on a daily basis clearly points to a troubled era of uncertainty, with potentially dangerous circumstances that could affect innocent people, nations and States, until now sheltered under the umbrellas of political ideologies that are no longer accepted on the cusp of the twenty-first century.

Remarkable transformations in human thought have resulted in major technological and economic progress in areas deserving of growing interest on the part of traditional intelligent markets, as enormous advantages can accrue from trading relationships in terms of improving the living standards of communities that are facing forced unemployment. Therefore, it is necessary to struggle for progress and development by repudiating the theories of political groups aiming at destabilizing the new global *entente cordiale* and at causing unhappiness, fear and uncertainty in populations that are led to believe that the next system of Government will remedy forever all the evils in the world. No Government, ideology or religion can alter the human condition, but a good Government, a fair ideology and an honest religion can indeed help to improve human nature.

The case of East Timor, therefore, must be correctly approached and analyzed before it can be characterized as simply a matter of replacing a Portuguese administration with an Indonesian administration. Indeed — and I challenge anyone to prove, with historical documentation, not just opinions, that I am wrong — the Timor Island case is an example of two-sided European colonialism, whose legacy is the facile theory that the entire population of the eastern area of the island of Timor belongs to a culture that bears no relation to those of the Indonesian archipelago. This interpretation is not valid, for one main reason: if the East Timorese have no relationship or bond with and do not originate from the old cultures of the present Republic of Indonesia, where did they come from? And why do our more than 35 languages, dialects and subdialects have words and traditional practices that perfectly match some of the 300-plus Indonesian cultures?

Portugal and Indonesia have agreed to discuss East Timor under the auspices of His Excellency the United Nations Secretary-General. This was achieved through bilateral meetings between the Ministers of Foreign Affairs of both countries. However, it was not easy to facilitate this inter-Ministerial dialogue, because Timorese political leaders never had the opportunity that was presented by the Secretary-General in Austria in June. Now the situation is different, and the highest credit must be given to the role of the United Nations.

The conclusion to be drawn after the Timorese meeting in Austria is that the expected Timorese support for direct foreign intervention in East Timor is not forthcoming, but a consensus exists that the East Timorese are primarily very concerned sons of the same ancestral family. Therefore, the persistent attempts to use East Timor to offend Indonesia have been defeated because above all, the Timorese political leaders are dedicated to the welfare and promotion, at all levels, of our population.

In fact, in the weeks before our meeting in Austria, a lot of propaganda was produced, as if the ones claiming independence were better positioned to neutralize the ones who have chosen integration with Indonesia. The reality, however, was different. Under the influence of our beloved Brother Bishop, our silent hearts were touched by a celestial hymn of love for past, present and future East Timorese generations. Not for a minute did the "hate" fabricated by well-known Portuguese and non-Portuguese sources of public information rise up in us, because we are not the political playthings of groups opposed to the French nuclear detonations that threaten the lives of our Melanesian, Polynesian and Micronesian

island brothers. Neither do we care to recall that Angola is still in a state of war after 34 years. In fact, we gave an example of dignity, courage and wisdom to the world. Instead of the revolutionary principles still so dear to many groups in control of public information, we heeded Bishop Belo's call to first please the best interests of our people in conditions of peace and harmony. This time, we did not repeat the mistake of being influenced by the Portuguese revolutionaries on three continents, whose 1974 coup d'état in Lisbon led to a bloody civil war and national disgrace for our people.

Our two reconciliation meetings in England, witnessed by a representative of the United Nations, were the "opening door" to the success of His Excellency the Secretary-General in bringing together Timorese political leaders. Subsequently, the Minister of Foreign Affairs of Portugal, Mr. José Manuel Barroso, showed good sense and wise statesmanship by declaring, more or less, that the Indonesians should not be seen as evil, but as a good people. This statement was understood by us to be an honest warning to some Portuguese political activists involved in relentless campaigns in Portugal to attack "everything that is Indonesian". I therefore salute here the Portuguese Minister and his Deputy, Mr. Quartin Santos, who have been fostering a favourable climate of mutual acceptance between us all.

It is unrealistic to continue to insist on a hypothetical difference between the two parts of the Timor island, because this abnormality was created in the interests of the two colonial powers — the Netherlands and Portugal — without one single Timorese legal decision being made by its aboriginal authorities. The Dutch left in 1949, and in 1974 the Portuguese administration silently, unexpectedly and unilaterally took the same decision without asking the East Timorese if such a decision was correct. One could invoke the argument of the ongoing bloodshed in the civil war that was then raging. But the fact is that Portugal understandably did not imitate previous historical examples, according to which, the Portuguese presence being in danger, it could easily ask the protection of those Timorese who favoured a Portuguese presence in East Timor. Why did Portugal not ask its loyal Timorese supporters to replace the Portuguese civil and military representation in East Timor in 1975? Simply because there was a "revolutionary project" to establish a hostile and dangerous territorial base to destabilize Indonesia.

An important question is why the so-called colonial border between the East and the West of Timor island should exist. With so many intellectuals, scientists, opinion-makers and so forth apparently concerned with the fate of my people, I can only think that they are all either blind or acting in far less than good faith. Why is the colonial borderline of the enclave of Amanbenu positioned from the Silabao river (Mota Ain) to the Tafara river? This is not a straight line all the way down, but instead moves to the right, comes down, moves to the left and follows a twisting path to the south coast. The reason is precisely because the old kingdoms of Lakmaras and Lamak Nen refused to accept the extortion of *fintas* — yearly compulsory taxes to a kingdom to pay for the Portuguese presence — and the payment of fines resulting from the refusal to follow in the extermination columns organized by the Governor of Praca de Nusa Dili after having managed to attract some Timorese kingdoms to the Portuguese side.

As to the enclave, it was part of the 1851 deal between Portugal and Holland to compensate Portugal for the cheap sale of all islands under Portuguese Catholic influence. And because it was in Pante Makasar, high customs taxes were imposed upon Timorese sandalwood exporters. The enclave does not include the very first Timorese area where around 1700 the Portuguese built, then burned and dismantled, the historic fortress of Lifau on the beach of Babao.

If a solution to the case of East Timor is to be good enough for international public acceptance, it will have to be scientifically, historically, legally in terms of our customary law, sociologically, economically and politically balanced, and not influenced by political, professional international destabilizers whose aim is to set foot in East Timor to monitor once again, as in 1974 and 1975, actions to damage the grandeur of my people on the very land on which East Timor has existed since before humankind was born.

In addition,it seems illogical for some to insist that the decolonization of East Timor as a Portuguese colony has still to take place. That is a kind of joke. I myself and the people of East Timor fought a civil war, completely abandoned, ignored and refused help by the Portuguese revolutionary authorities of 1974 to 1976. Portugal, very incompetently, began a so-called act of decolonization one year after the decolonization process for the African colonies had begun. Even so, FRETILIN supported non-participation in the Macao meeting between Timorese political parties and the Portuguese Government, opting instead to send FRETILIN to assist the independence movement in Mozambique. And in Macao, APODETI, the East Timorese political party

favouring integration with Indonesia, clearly pointed out that integration was the best solution for East Timor — as it was. However, I used the word "illogical" because one fact cannot be ignored: it was not Indonesia that refused to obey the resolutions of the United Nations in connection with the decolonization of East Timor, that is General Assembly resolutions 1514 (XV) and 1541 (XV) of 1960. It was the Portuguese Government that did so for 14 years, from 1960 to 1974. Why? Because welfare, progress, evolution and social peace in Portugal before 1974 were a fact while Portugal had its colonial Territories, which were accepted and loved by the Portuguese people as part of a nation of dignity in the world's history.

It also seems to me to be quite funny the way some people in Portugal insist that it is necessary to hold another referendum for my people after the hell of suffering, drama and tragedy we faced on the civil war battlefield 20 years ago. To save the people of East Timor from self-genocide, the Minister of Foreign Affairs of Portugal, His Excellency Major Ernesto Mello Antunes, signed a memorandum of understanding with the Minister of Foreign Affairs of Indonesia, His Excellency Adam Malik, in Rome on 2 November 1975, 57 days after the Act of Petition for the integration of East Timor had been signed by the political parties Timorese Democratic Union (UDT), KOTA, Trabalhista and APODETI. If none of this counts, what does a memorandum of understanding between two sovereign States mean? A love letter? But we have more on which to concentrate our attention.

In terms of the history of the people of Portugal and all those who have ever been proud of the heroic deeds of the nation on " he seas never before violated by men", a Treaty like that between Portugal and India is without any doubt true evidence that the new Portuguese State founded in the April 1974 coup rightly grew realistic by rushing to accept, without a referendum, the return of Portuguese Indian Territories to the Motherland. And the Portuguese official who signed the Treaty on behalf of the Portuguese Head of State was none other than the current President of Portugal, His Excellency the Honourable Mário Alberto Nobre Soares.

With due respect and esteem for India, I cannot establish the slightest parallel between the long preparation of the Satyagraha provocations and the setting up of invasion armed forces prepared for open battle against legitimate Portuguese armed forces defending national sovereignty and Portuguese populations inside Portuguese India — with military honour but without the slightest chance of mounting military resistance except through the individual bravery of all Portuguese officers and soldiers loyal to their fatherland. The Act of Integration of East Timor into the Republic of Indonesia was carried out in conditions of peace and restored order, and it was adopted by the legal representatives of the people of East Timor in the total absence of any Portuguese authority.

The recent decision of the International Court of Justice on the dispute between Portugal and Australia needs a slight historical reference. The very first Portuguese initiatives on the dream of drilling for oil in East Timor were intended to favour Australia; therefore, some contracts for oil research were given to Australian companies on very cheap terms. This means we have to appreciate Australia's efforts and sacrifices in prospecting for oil in our territorial area, without which the existing potentials would never have materialized.

To end this statement, I would suggest that from now on the Portuguese authorities, in conjunction with the Indonesian authorities, take steady steps towards bringing the two nations closer together with realism and objectivity, as tribute to the Secretary-General's efforts to consolidate this international Organization for world peace as it marks the fiftieth anniversary of the birth of new hope, peace, order, progress and harmony, for which mankind is heartily willing to fight.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Peter Colavito took a place at the petitioners' table.

The Chairman: I call on Mr. Colavito.

Mr. Colavito: I am addressing the Committee on behalf of the Honourable Nita M. Lowey, Member of the United States Congress, who is unable to attend today because of responsibilities in Washington. I am grateful for this opportunity to address the Special Committee on decolonization.

The fundamental right of a people to choose its own Government has always had strong resonance for Americans. The principle of self-determination is rooted in the idealism of Woodrow Wilson and codified in the Charter of the United Nations. Coupled with decolonization, it has been a major force for democratization around the world. It is clear that the people of East Timor have never known this right; they have never had the opportunity to elect their own officials or to determine their own future. They were freed in

1975 from Portugal's colonial yoke only to be burdened with that of Indonesia less than a year later. Numerous human rights abuses now add greatly to the outrage we must feel at their situation.

As a United Nations Member and a world leader, the United States must help to enforce the United Nations Charter. As a democracy, we take particular interest in its self-determination provisions. In both of these roles, we must take a strong and coherent stand against the Indonesian presence in East Timor.

In the past, the United States has opted for a balancing act; we have weighed economic and military goals against humanitarian ones, believing that cooperation with the Indonesian Government would induce it to expand human rights. Administrations since 1975 have taken this approach, and it has failed. According to reports from international human rights groups including Amnesty International and Human Rights Watch/Asia, the Indonesian Government has not seriously investigated human rights claims or moved towards compliance with the 1993 recommendations of the Commission on Human Rights.

The United Nations must now take a stronger stand. Rather than allowing ourselves to be put off by the possible consequences of antagonizing Indonesia, we should recall the successful stands we took against repression in South Africa. Our stubborn insistence on human rights guarantees let us watch as South Africa's Government changed and its people reclaimed their rights.

As the Commission on Human Rights has done in the past, we must continue to urge Indonesia to open East Timor to investigators and journalists. Their reports are invaluable in pointing out to the rest of the world the Indonesian Government's weaknesses and its lack of support at home. Indonesia is clearly concerned with its public image: a judge sentenced Fernando Araujo in 1992 to nine years imprisonment for "disgracing the nation in the eyes of the international community". We must make it clear to Indonesia that the way to eliminate embarrassing criticism is not to suppress the critics but to reform treatment of the accused and of prisoners.

Though they help to rally international support, reports alone are not enough. We must be willing to press hard to ensure that Indonesia's leaders act on the Commission's recommendations, that they are not only aware of their failings but also working to correct them. We must recognize the rights of the Timorese people, and we must oblige them to do so as well.

As the imprisoned leader of the East Timorese independence movement, Xanana Gusmão said, "The so-called Indonesian Provisional Government was formed over the corpses of the Timorese massacred" in December 1975. Despite the Indonesian Government's claims to the contrary, there has been no valid act of Timorese self-determination. Nor can "cultural differences" obscure the Government's abuses. Detention of prisoners without legitimate trials and Government complicity in massacres are criminal wherever in the world they occur.

We must solidify our position. Indonesia must be made to recognize that the human rights of the Timorese and of its own people are non-negotiable. Only a referendum among the East Timorese themselves can legitimately determine their status. Until the people's votes are counted and their voices heard, the international community and its principle of self-determination cannot be satisfied.

I appeal to this Committee, to the United States, and to the rest of the world to recognize the clear danger to universal human rights that Indonesia's flagrant violations present. In standing up for the rights of the East Timorese, we will be standing for the rights of all free peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Mari Alkatiri (Frente Revolucionária de Timor Leste (FRETILIN)) took a place at the petitioners' Committee table.

The Chairman: I call on Mr. Alkatiri.

Mr. Alkatiri (Frente Revolucionária de Timor Leste (FRETILIN)): Allow me as an East Timorese to make a few comments before beginning my testimony. I have listened to the testimony of some others from East Timor. For me, the arguments of Mr. Soares favouring the Indonesian annexation of East Timor are very old and are completely contrary to his earlier position. I understand his position now; I am sure he is under pressure from the Indonesian intelligence services. For those reasons, I shall go no further in fighting against my fellow-Timorese. My aim here is to denounce Indonesia. But I firmly believe that we will understand each other again by the time of the next intra-Timorese talks. I do

not want to force my old friends and my fellow-East Timorese to be as brave as those who are facing prison and extrajudicial execution in East Timor.

This is the first time in 20 years that I have appeared before the Special Committee, even though in the past I have addressed the Fourth Committee of the General Assembly and the Security Council. My name is Mari Bin Hamud Alkatiri; that is my real name, not a Portuguese one. I am a member of the Central Committee of the Frente Revolucionária de Timor Leste (FRETILIN): its Secretary for External Affairs. FRETILIN is also part of the National Council of Maubere Resistance, the CNRM. I thank members for this opportunity to address this body, whose contribution to the process of the decolonization of European colonial Territories shines against the background of the current difficulties the United Nations faces in many parts of the world.

This year East Timor would be celebrating the twentieth anniversary of its independence if the decolonization process initiated by Portugal in 1974 had not been abruptly cut short by Indonesia's naked aggression of 7 December 1975. The list of Non-Self-Governing Territories has dwindled from more than 70 in the early 1960s, when General Assembly resolution 1514 (XV) was adopted, with the positive vote of Indonesia, to only a few now. East Timor is part of the unfinished business of this Committee.

As an East Timorese and a Muslim, I must first of all denounce the attempts on the part of the Indonesian authorities to distort the nature of the conflict in East Timor by promoting inter-religious violence. In the past few years, there have been cases of religious incidents between the Catholic East Timorese and Muslim Indonesian soldiers. However, it must be pointed out that these incidents were always instigated by the Indonesian authorities. My presence here is a clear statement that the small East Timorese Muslim community never had problems of any kind with the Catholic majority or with other minority religious groups such as Buddhists, Protestants and others. East Timorese society was always peaceful and tolerant, with an ecumenical spirit. The strong cultural identity of the small East Timorese Muslim community of which I am a part was always respected by all the other groups, and we lived in harmonious coexistence. It was this that made the whole of East Timor a unique heterogeneous ethnic and religious society different from all others in the region.

Members must believe how painful it is for me to appear before this Committee to denounce a Muslim and neighbouring country. But we Muslims must uphold the principles of truth and justice, as our Prophet taught us. This year, Indonesia celebrates its fiftieth anniversary, but East Timor will have nothing to celebrate. Instead, we will mark the twentieth anniversary of the invasion and illegal occupation of our country with collective mourning: for almost our entire people, almost every family in East Timor, every household, has lost someone. Entire villages have been wiped out. Entire families have vanished. When Indonesia marks the fiftieth anniversary of its independence, we will honour our dead and our martyrs and we will cry for our occupied country.

Colonialism has always been associated with the white man. Portugal is now administering Power because it wants to be, because it is a mandate from the international community. However, the truth is that at the end of this millennium, we are witnessing new forms of colonialism, perhaps even more barbaric than the colonization we experienced under the former European Powers.

The international community must address this form of colonialism with the same firmness as it used in dealing with the European colonial domination. The values of human dignity and justice are the same. There cannot be one set of justice and rules for the Europeans, and another for the colonial peoples dominated by the regional colonial expansionist Powers of the South.

It is now for almost 20 years that the Special Committee has had to deal with the question of East Timor. Ironically, the former colonial Power, Portugal — once accused in this very Chamber of not adhering to the principles of the United Nations Charter — is here now to defend the right of our people to self-determination. In the same Chamber we are now denouncing not Portuguese colonialism but the illegal occupation of our country, East Timor, by a third-world State, which is Chairman of the Non-Aligned Movement.

It is even more ironic that the history of Indonesia is being repeated somewhat in East Timor. We recall the late Soekarno, founding father of the Indonesian Republic, who fought for the independence of his country and was captured and imprisoned by the Dutch colonial authorities. We can draw a parallel with the situation of our leader, Xanana Gusmão, captured and imprisoned by the Indonesian authorities. As East Timorese, we regret that a country that was once an example of the anti-

colonial struggle has now become a colonialist Power — I stress "has now become a colonialist Power".

The fact that this Committee remains seized of the question of East Timor is a clear demonstration that the international community continues to recognize the right of the people of East Timor to self-determination and independence. However, 20 years into the occupation, we believe it to be necessary to develop new initiatives with a view to enabling the people of East Timor to exercise their right to self-determination.

In this regard, I wish to commend the Secretary-General for his efforts in the framework of General Assembly resolution 37/30 of 23 November 1982. For the first time, and thanks to his efforts, a meeting of 30 East Timorese personalities was held in Austria in early June. The results of the so-called intra-Timorese dialogue under the auspices of the United Nations offer clear proof that, on neutral ground, the East Timorese, in spite of many pressures and interference by Indonesian intelligence, are able to reach consensus towards a comprehensive solution of the East Timor problem. This should dispel any notion and myth that the problem of East Timor is of East Timorese making. The problem of East Timor is a problem of Indonesia's making.

After almost two decades of illegal occupation of our country, every East Timorese desires to contribute to finding a solution to the conflict. However, there must be real possibilities for more active participation by the East Timorese in this process of dialogue and negotiations. The Burg Schlaining Declaration contained, *inter alia*, a clause calling for meetings of East Timorese prior to each ministerial round of talks between Portugal and Indonesia. For this reason, we cannot understand the objection on the part of Indonesia to the holding of meetings for new intra-Timorese dialogue prior to each ministerial meeting between Portugal and Indonesia. This objection was stated by Foreign Minister Ali Alatas at the conclusion of the sixth round of talks between him and the Portuguese Foreign Minister. It seems that Indonesia fears the East Timorese — even those who were imposed by them on the meeting. Therefore, we challenge Indonesia to accept the Burg Schlaining Declaration in its totality.

The International Court of Justice has just issued its verdict in the Portugal v. Australia. case concerning East Timor. In its ruling, the ICJ upheld the right of the people of East Timor to self-determination and East Timor as a Non-Self-Governing Territory. It went on to state that the right to self-determination has an *erga omnes* character.

We welcome the ICJ's ruling, which is in line with the many United Nations General Assembly and Security Council resolutions on the question of East Timor. Those resolutions have been systematically trampled upon by Indonesia.

While we welcome the Court's decision concerning our right to self-determination, we should also like to draw attention to the separate opinion of a distinguished Asian scholar, Judge M. Weeramantry of Sri Lanka. In his opinion,

> "If East Timor is still a Non-Self-Governing Territory, every member of the community of nations, including Australia, is under a duty to recognize its right to self-determination and permanent sovereignty over its natural resources. If this is so, as is indubitably the case, the Court would be in possession of all the factual material necessary for the Court to pronounce upon the responsibility of the Respondent State, which is in fact before it."

Let me turn now to the situation in East Timor itself. There has been a clear deterioration of the human rights situation since January. The Indonesian security forces have unleashed the so-called "ninjas" — gangs of East Timorese or Indonesians who have carried out abductions and assassinations of young East Timorese presumed to be members of the resistance. Civilians have been executed in cold blood, as in the case of six people in the town of Liquica this January. First, the Indonesian military command announced that the six were members of the armed resistance. Only after this had been thoroughly exposed, and after considerable pressure from the United States, Canada and Australia, did Indonesia finally acknowledge that its army had perpetrated yet another cold-blooded massacre. The latest adds to a long list of massacres of tens of thousands of our people in the course of these 20 years of occupation.

There are at least 20 battalions operating in East Timor, engaged in full combat or surveillance of the civilian population. Foreign Minister Ali Alatas asserted in Geneva last week that two more battalions were going to be withdrawn. This is yet another grotesque lie, for Mr. Alatas knows well that the supposed withdrawals are but rotation from one part of the Territory to another. The Indonesian army is engaged in wanton killings, rape and looting. It is not there to keep law and order, let alone to build infrastructures, as is alleged by the Jakarta regime.

Xanana Gusmão, the resistance leader of East Timor, remains in prison even though his trial was universally denounced as a charade. Xanana's only crime is the crime of Nelson Mandela, Walter Sisulu, Aung San Suu Kyi and many other freedom fighters who have endured almost a lifetime in prison because of their own and their peoples' struggle for freedom. In spite of the unjust and illegal military occupation, in spite of the horrendous crimes perpetrated against our people, Xanana Gusmão has time and again offered the olive branch of dialogue and peace. His goodwill gesture has met only with more brute force and humiliation.

To conclude, I should like to remind the Committee of its obligations under the United Nations Charter and the General Assembly resolutions on decolonization. The General Assembly took upon itself the task of dismantling colonialism and removing it from the face of the Earth by the year 2000. East Timor is one of the last remaining colonies on the General Assembly's list of Non-Self-Governing Territories. This Committee cannot allow itself to be dishonoured, and it cannot dishonour the entire United Nations system by allowing one of the Organization's Members to dictate or manipulate the bindings rules that should be applicable to East Timor — the sacrosanct rules of the self-determination of peoples.

The petitioner withdrew.

The Chairman: I am resisting the need to call Petitioners to order, but it seems that we are gradually straying from the 15-minute limit. I appeal to the remaining Petitioners to observe that limit.

At the invitation of the Chairman, Mr. Allan Nairn (The Nation) took a place at the petitioners' table.

The Chairman: I call on Mr. Nairn.

Mr. Nairn (*The Nation*): My name is Allan Nairn. I am a journalist from the United States and one of the survivors of the Santa Cruz massacre carried out by the Indonesian occupation army on 12 November 1991. I am here to remind the Committee that that massacre was a deliberate act of State and to offer the United Nations new evidence on responsibility for that crime.

Last November, with Amy Goodman of WBAI/Pacifica radio, I returned to East Timor for the first time since the massacre and saw that the Indonesian army were still ruling by terror and that the Timorese were still risking their lives to resist.

Indonesian troops and agents were omnipresent in Dili and the control was even more forbidding in the countryside. Passengers were being snatched by army intelligence from buses travelling through the mountains, and buses bound to Dili were being routed to the Dili naval base, where commandos searched and interrogated the passengers, often taking them without explanation. Indonesian occupation troops brandished their weapons in rural village squares and ran chanting through the streets. An army Intel commander in a rural town told me that Timorese dissent was prohibited and that the army was determined to stop the Timorese from talking to outside visitors. He said specifically that the army wanted to stop the Timorese from passing on information that might be turned over to the United Nations.

Timorese speaking in secret described how Indonesian troops had tortured them. The methods ranged from beating with iron bars to razor-slicing to rape to electric shock to forcing Timorese to swallow the crucifixes they wore around their necks. Bishop Belo told us that the atmosphere of control and terror was the worst that he had seen in East Timor since 1983.

In spite of this, though, the Timorese were growing more openly resistant. When President Clinton went to Jakarta for the summit of the Asia-Pacific Economic Cooperation Council with the dictator Soeharto, 29 courageous young East Timorese peacefully occupied the United States Embassy grounds. They alerted the watching world to Soeharto's crimes against their country and also to the criminal complicity of Clinton and the United States Government. At the same time, inside East Timor, uprisings were breaking out. These protests — of astonishing boldness and reach — took place not just in Dili, but also in towns along the coast and in the central mountain range.

When we first attempted to enter East Timor on 12 November, the anniversary of the massacre, we were arrested by the Indonesian Intel and held for 16 hours. When, days later, we made another attempt to enter, they arrested us again. But after that, when, without the army's knowledge, we finally got into East Timor, we saw that a spirit of open, defiant rebellion had surged to the surface in the countryside. In one small town, people were coming out at night and throwing stones at the army's armoured cars and trucks. Though the army was attempting to quell the public surge through stepped up disappearance and torture, the Timorese continued openly to taunt their occupiers, even knowing that, in doing so, they risked their families and their lives.

When one speaks of the case of East Timor, one speaks of two basic crimes: first, the illegal occupation of a foreign land, and secondly a policy of deliberate mass murder. And, unavoidably when one speaks of crimes, one also speaks of criminals — specifically, in this case, General Soeharto and officers of the Indonesian armed forces, as well as their accomplices in the Governments of Indonesia and the United States and also key officials of other outside Powers, Great Britain and Australia among them.

If the United Nations is serious about upholding international law, it should immediately convene a Nuremberg-style tribunal to investigate and prosecute the case of East Timor. The Indonesian army, which is in East Timor in defiance of the Security Council, has killed more than 200,000 East Timorese — the vast majority of them civilians — roughly a third of the original population. This genocidal death toll, originally estimated by church sources and by Amnesty International, was confirmed to me in 1990 by Colonel Gatot Purwanto, the Indonesian intelligence chief then in charge of East Timor.

These murders have been carried out pursuant to a systematic policy set from the top by General Soeharto and the armed forces commanders. The Dili massacre we survived was an example of both the practice and the rationale. The soldiers, many hundreds of them, marched up in formation wielding American M-16s. They did not ask the Timorese to disperse. They fired no warning shots. Instead, as they got within a dozen yards of the walled-in, retreating crowd, they opened fire, systematically killing everyone they could reach. I saw children exploding, their blood flying through the air. I saw men and women shot in the back. The troops waded in and finished off the survivors. They crushed brains with rifle butts and opened bellies with army knives. They killed with disciplined, professional dispatch and continued killing through at least the following day. The Timorese have estimated the final death toll at least 271. Yet, to this day, the Indonesian army will not even say where it chose to dump the bodies.

This massacre was, as Mr. Bacre Waly Ndiaye, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, reported on 1 November 1994:

> "a planned military operation designed to deal with a public expression of political dissent". *(E/C.4/1995/61/Add.1, para. 48 (d))*

It is now quite simply the responsibility of the United Nations to see to it that those who planned this massacre are prosecuted and jailed along with those responsible for the other Timor atrocities. If the United Nations is willing to support this for Bosnia, why not for East Timor? If the United Nations is willing to support this for Rwanda, why not for East Timor? In fact, in the Timor case, there is already an abundance of evidence. We can begin with the statements of the senior Indonesian officials who explain that the massacre was an act of policy.

Two days after the massacre, General Try Sutrisno, the Indonesian armed forces national commander, said in a speech to a public meeting of military graduates that people like the Timorese who gathered at the cemetery were

> "disruptors ... people who must be crushed ... In the end they will have to be shot down".

After that statement, Sutrisno was promoted to Vice-President of Indonesia. He is now next in line to succeed Soeharto.

General Sutrisno's point was then reaffirmed by General Theo Syafei. Syafei, the Dili-based occupation commander, said:

> "If something occurs again under my leadership like the November 12 incident, maybe the casualties will be greater".

The theme was then amplified by General Herman Mantiri, who explained that the massacre was "quite proper". He said:

> "We don't regret anything because they [the Timorese] were opposing us, demonstrating, even yelling things against the government. To me this is identical with rebellion, so that is why we took firm action".

After his statement, General Mantiri was promoted to Chief of Staff.

Just last month, Mr. Ali Alatas, the Indonesian Foreign Minister, chose further to honour Mantiri, now retired from the armed forces, with the politically crucial post of Indonesian Ambassador to Australia. When Mantiri's nomination sparked a public outcry in Australia, Mr. Gareth Evans, the Australian Foreign

Minister — who is himself a subservient backer of the occupation of East Timor — was compelled to say that it would be "extremely helpful" if General Mantiri expressed regret for his remarks. Yet even when offered this political out, Jakarta would not repudiate the massacre.

Instead, Mr. Alatas's Foreign Ministry chose openly to reaffirm the Government's policy of slaughter. In an official statement issued this 29 June, the Indonesian Foreign Ministry said that if the 1991 Dili procession was

> "organized by members of the security disturbance group ... who were out to undermine the duly constituted authorities, the security apparatus had to take action. Although perhaps liable to misinterpretation, the message that General Mantiri put across at that time was quite uncontroversial and therefore, we see no reason for an apology."

Beyond such statements and the testimony already gathered by Mr. Ndiaye, the Special Rapporteur, I would now like to offer the United Nations a piece of evidence from the files of United States military intelligence. It is a formerly secret internal cable from the United States Defense Intelligence Agency which quotes General Benny Murdani, then the Indonesian Minister of Defence, as saying that General Sutrisno

> "committed political suicide by his role in the Dili incident on East Timor last November".

This formerly secret cable is dated 6 April 1992, 14:30 Eastern Daylight Time. Though Murdani was evidently wrong in thinking that the massacre would hurt Sutrisno, the cable is an explosive piece of inside evidence that seems to tie Sutrisno to the killings.

Both General Murdani and General Sutrisno should be brought before a United Nations-convened tribunal and questioned under oath. What does Murdani know about the massacre and, specifically, Sutrisno's role in it? What orders did Sutrisno give to the regional commander, General Sintong Panjaitan, and through him to the commanders on the ground in Dili, General Warouw and Colonel Gatot Purwanto? Likewise, the United Nations tribunal should ask the United States and its National Security Agency (NSA) to declassify all intercepts of massacre-related phone, radio and other communications among Sutrisno and his subordinates. These intercepts, made from listening posts in Australia maintained jointly by the NSA and Australian intelligence, would shed light not just on Indonesian army crimes but also on the question of what the United States and Australia knew in advance about the Indonesian army's plans.

It should be noted that one legal proceeding on the massacre has already been completed. Last November, the United States Federal District Court in Boston issued a default judgment against General Panjaitan based on his role in the massacre. In the case — a civil suit brought by a foreign national under the United States Alien Tort Claims Act and principles of international law — Panjaitan was found liable for $14 million in damages, money that he is obliged to pay to the mother of a massacre victim, New Zealand citizen Kamal Bamadhaj. Incidentally, Panjaitan fled the United States and has refused to pay. Bamadhaj's mother has announced that if he does pay, the funds will be distributed among the families of all the massacre victims.

Such proceedings, though, while a useful first step, are inadequate to solve the problem. For one thing, the Timor case cries out for criminal prosecutions, and for another it is politically unlikely that any United States court would be willing to prosecute evenhandedly the United States officials who have been complicit in the aggression and the genocide.

That is one of many reasons why the United Nations must step in, looking not just at the Indonesian military killers, but also at their sponsors in the power capitals of the world. As the Nuremberg decisions state, quoting a General Assembly resolution, those to be held "punishable" for the crime of genocide include not just the principals — those who give field orders and pull the triggers — but also their "accomplices", whether private individuals, public officials or statesmen.

I have brought, for the Committee's perusal, a copy of the Defence Intelligence Agency (DIA) cable. I trust it will be passed on to the appropriate authorities.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Scharfe (Asia Pacific Coalition for East Timor) took a place at the petitioners' table.

The Chairman: I call on Ms. Scharfe.

Ms. Scharfe (Asia Pacific Coalition for East Timor): I represent the Asia Pacific Coalition for East Timor, of which the Canadian East Timor Solidarity Group, the East Timor Alert Network, is a member.

This year's convening of the Special Committee on decolonization provides a deeper meaning to the worldwide commemoration of the fiftieth anniversary of the end of the Second World War. This hearing also makes the fiftieth anniversary of the United Nations even more significant. The importance of this meeting to those two events lies in the opportunity to instill a concrete meaning into the current worldwide affirmation of the basic tenets of the United Nations, one of which is the inalienable right of peoples to self-determination.

Twenty years ago, one Member State of the United Nations invaded a tiny, newborn State, the Democratic Republic of East Timor. Since then, the brave and gentle Maubere people of this rather small yet oil-rich nation have suffered wanton disregard for their human, economic and political rights. More than one-third of the population has died or been killed since 1975. That is a staggering 200,000 corpses. Its rich natural resources are recklessly plundered. Its sandalwood reserves are emptied, coffee produce appropriated and its oil deposits blighted by Indonesia in connivance with other rapacious Governments such as that of Australia.

Despite the valiant resistance of the East Timorese, it is still Indonesia's design to totally assimilate this former Portuguese colonial territory. The resistance has been on various fronts: the hills, the streets, universities, the media, the halls of the United Nations, the hearts and minds of the peoples. Fuelling and inspiring the struggle of the people of East Timor is a burgeoning international solidarity movement that has helped carry the torch of freedom for the Maubere people beyond their shores. This broad-based solidarity movement has likewise underscored the significance of solidarity relations and activities to push forward a people's righteous cause. It is also this movement that has helped propagate the reality that is East Timor to other freedom-loving peoples the world over.

It is no small matter that international solidarity has belied the avowed legitimacy of Indonesia's annexation of the Territory. At the forefront of this movement in the Asia and Pacific region is the Asia and Pacific Coalition for East Timor. At this juncture, we and the Coalition wish to reiterate our solidarity with the positive stance on East Timor taken by the General Assembly and this Committee. The resolutions of the General Assembly and the hearings conducted by this Committee have inspired us to continue in our quest for freedom in East Timor.

We are, however, dismayed by the continuing recalcitrance of Indonesia and the frustrating inability of the United Nations, particularly the Security Council, to impose its collective will, which essentially rebukes Indonesia's invasion and occupation of East Timor. We therefore challenge the United Nations to make its fiftieth anniversary more relevant by declaring 7 December as an international day of solidarity for East Timor. It can do so now, as it has declared every 29 November the International Day of Solidarity with the Palestinian People.

Indonesia invaded East Timor on 7 December 1975. The twentieth anniversary of this invasion is 1995, and 7 December is three days away from 10 December, which is United Nations Human Rights Day. Declaring an international day of solidarity for East Timor would present the United Nations with an opportunity to galvanize its rhetoric into a more symbolic and relevant action. Doing so would enable the United Nations to etch into the annals of history 7 December as the day of Indonesia's cowardly invasion of East Timor, cement its Member States' commitment towards East Timor's eventual liberation, and provide a focus for international efforts for the solution of the East Timor issue.

The recent spate of world summits have sought to animate States and civil societies into making concerted efforts to resolve the urgent issues of our time. Hunger, poverty, alienation, intolerance and environmental degradation, among others — there is already plenty of rhetoric towards concrete measures to resolve these problems. What is needed at this point are relevant implementation policies and action. The United Nations can go a step beyond discourse and flowery speeches by declaring 7 December as the international day of solidarity for East Timor.

From that point on, the United Nations should also act on the numerous measures proposed by Governments, non-governmental organizations and solidarity groups during the hearings conducted by this Committee. The Asia Pacific Coalition for East Timor extends its deeply felt gratitude to this body for providing a forum for the contending parties in the East Timor issue to speak out. We hope that through the various testimonies aired here today, the melancholy voices of 200,000 dead East Timorese will once again reverberate in the halls of the United Nations and hopefully prick the collective conscience of the world's peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. John Miller (Hobart East Timor Committee) took a place at the petitioners' table.

The Chairman: I call on Mr. Miller.

Mr. Miller (Hobart East Timor Committee and Australia-East-Timor Association): Though this year has seen considerable publicity given to East Timor worldwide, there has not so far been an identifiable improvement in the situation of the East Timorese people.

We would like to draw the Committee's attention to the continuing lack of a recognized administering Power in East Timor and the consequent lack of protection, care, support and concern for the well-being of all the inhabitants of the Territory of East Timor.

The administering Power with responsibility for overseeing the process of self-government and decolonization — Portugal — has not been able to exercise this responsibility since 1975, partly through ineffectiveness and partly through acts of aggression carried out by Indonesia in 1975 and since.

Indonesia's responsibilities, as set out by the United Nations Security Council in 1975 and 1976, remain threefold: to withdraw all its military forces from East Timor; to respect the territorial integrity of East Timor and the right of its people to self-determination; and to cooperate at all times with the Secretary-General.

The result has been that Portugal has been able to protect and care for only those East Timorese living outside East Timor and Indonesia, while Indonesia accepts no responsibility for the protection and care of all the East Timorese living inside East Timor and Indonesia. Indonesia's statements in regard to the East Timorese people frequently refer to the "need" to shoot East Timorese, to "hit them without mercy".

To a considerable extent, over the 20 years the Roman Catholic Church in East Timor has sought to fill this gap by providing protection, care and concern for the safety and well-being of all East Timorese, but it lacks the facilities, the finances and the freedom to fulfil this function.

Article 73 of the United Nations Charter states that:

> "Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories".

It then enlarges on the obligations involved in the "sacred trust" but it does not provide the means to resolve a situation such as that in East Timor, where there is no recognized administering Power present and committed to "the well-being of the inhabitants".

The United Nations Declaration on the Granting of Independence to Colonial Countries and peoples wisely understood the

> "passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence" *(resolution 1514 (XV), third preambular paragraph)*

that

> "the peoples of the world ardently desire the end of colonialism in all its manifestations" *(ibid., sixth preambular paragraph)*.

and that

> "the process of liberation is irresistible and irreversible." *(ibid., ninth preambular paragraph)*

We feel sure that you are all profoundly familiar with the seven points of this Declaration, but we would we particularly like to draw your attention to its operative paragraphs 4 and 5:

> "All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
>
> "Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations,

in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

In 1965, the General Assembly recognized the legitimacy of the struggle of the peoples under colonial rule to exercise their right to self-determination and independence and urged all States to provide material and moral assistance to the national liberation movements in colonial territories.

Again, on the twenty-fifth anniversary of the signing of the 1960 Declaration, the United Nations reiterated the rights of colonial peoples and pointed out the obligation of the administering Powers to create such conditions in the Territories concerned as would enable their peoples to exercise freely their inalienable right to self-determination and independence and the importance of fostering an awareness among those peoples of the possibilities open to them in the exercise of that right.

We would like to remind all United Nations Member States of their obligation to provide material and moral assistance. We would also like to mention the means by which this Committee, by exercise of the powers vested in it, might do more to assist the East Timorese people. This Committee has the power to consult with all the bodies involved in a colonial situation, including national liberation movements. It can hold seminars, conferences and round tables at Headquarters and abroad, and special commemorative activities to highlight the plight of the peoples still struggling for self-determination, freedom and independence. This Committee can prepare or request the preparation and dissemination of information on all aspects of decolonization, and can provide that information to colonized peoples. This Committee can request the Secretary-General, Member States, specialized agencies, and non-governmental organizations having a special interest in decolonization to undertake or intensify, in cooperation with the Secretary-General and within their respective spheres of competence, the large-scale dissemination of information on decolonization. This Committee also has the right to send special missions to consult with the colonial Power, to gather first-hand information and to supervise or observe any consultations or elections held in a Non-Self-Governing Territory. Members of such missions have the right — and, we would suggest, the obligation — to meet not only with representatives of the administering Power, but also the largest possible number of inhabitants of the Non-Self-Governing Territory. Where there is no recognized administering Power present, this Committee would seem to have an even greater obligation to visit and undertake regular assessments.

Yet, at no time in the last 35 years has this Committee sent such a mission. Nor has it provided for the dissemination of information to the people of East Timor on their rights as a colonized people, nor has it sought to foster an awareness of the options open to them. The East Timorese people to a considerable extent remain a forgotten people except via occasional reports on the situation within the capital city. Equally, the East Timorese people remain unaware of the deliberations and reports and recommendations of this Committee and of what actions it has the power to take on their behalf.

The United Nations has sent four Special Representatives to East Timor over the past 20 years. It retains East Timor on the agenda of this Committee and of the Commission on Human Rights. The current Secretary-General has been able to set up several meetings between Indonesia, Portugal and, in a limited way, several East Timorese representatives. We would suggest that this is the minimum rather than the maximum of what the United Nations as a whole, and this Committee in particular, might be doing.

While Portugal must take responsibility for its failure to decolonize East Timor between 1960 and 1975, and Indonesia must take responsibility for the more than 200,000 deaths which have occurred in East Timor since its invasion in 1975, the ultimate responsibility for allowing East Timor to be without an effective administering Power committed to the "sacred trust" of ensuring the safety and well-being of its people and their moving peacefully and freely towards self-determination and independence, must lie with the United Nations.

We therefore urge the Committee to act more vigorously to ensure that the Declaration on the Granting of Independence to Colonial Countries and Peoples is not mere paper, but a positive blueprint for the care, protection, safety, well-being and freedom of the East Timorese people.

I will now make a statement on behalf of the Australia-East Timor Association.

First of all, we would like to commend some of the other petitions the Committee has heard, including the petition I have just made on behalf of the Hobart East Timor Committee that outlines the measures which the

Committee can take to bring about a resolution of the problem of the occupation of East Timor. This will be a brief submission. We are aware of the many individuals and groups which are concerned that a resolution to the continuing crisis must be found and have made submissions.

At the time of writing, 18 East Timorese people, including a 3-month-old baby, are being held in an isolated part of Australia, in Curtin Air Base Detention Centre. They arrived by boat in Australia, escaping the occupation of their own country. Many of the 18, it is reliably alleged, have been tortured in East Timor. Our Government is keeping the 18 boat people in near isolation, we suspect, to keep the issue out of the mainstream media here. This seems to have been achieved. We ask you to take special note of these people.

On 30 June, we learned of the decision of the International Court of Justice on the legality of the Timor Gap Treaty. Australia won on a technicality. Many Australians like ourselves, knowing the conditions in East Timor, hoped that Portugal would win the case, invalidating the Treaty. The Australian Government has been willingly drawn into a web of deceit in its cooperation with East Timor's occupying regime. In this, especially with regard to the Timor Gap oil Treaty, it is meeting increasing protests from the Australian public.

An issue that has excited particular outrage in Australia, besides the Timor Gap Treaty with the Indonesian regime, is the identity of the next Indonesian Ambassador to Australia. The person nominated was Lt. General Herman Mantiri, the recently retired General Chief of Staff of the Indonesian Armed Forces. He was interviewed 6 months after the 1991 Dili Massacre and said:

> "We don't regret anything. What happened was quite proper. They were opposing us, demonstrating, even yelling things against the Government. To me that was identical with rebellion, so that is why we took firm action. If they try that on now, I will not tolerate it, I will order our men to take strong action. We were able to learn a lot. We succeeded because of experience. Theory without practice gets nowhere. The policy was correct."

As the Hobart East Timor Committee recommends in detail, we also urge you to expedite a solution to the East Timor impasse. The United Nations is in a unique position to help find a solution to it, with the cooperation of all sections of the East Timorese community and the other parties involved. We urge this Committee to play its own active part in a just resolution of the East Timor issue.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Constancio Pinto (National Council of Maubere Resistance) took a place at the petitioners' table.

The Chairman: I call on Mr. Pinto.

Mr. Pinto (National Council of Maubere Resistance): My name is Constancio Pinto. I am the former Secretary of the Executive Committee of the National Council of Maubere Resistance (CNRM) in the underground movement in East Timor, the organizer of the peaceful demonstration that was massacred by Indonesian troops on 12 November 1991, and the current representative of the National Council of Maubere Resistance to the United Nations and to the United States.

As a victim of the occupation of East Timor, I regret that year after year it has been necessary for this Committee to continually discuss the issue of our right to self-determination. For almost 20 years, this Committee has heard many petitions addressed by Governments and non-governmental organizations and from the Timorese resistance about the violation of the fundamental right of self-determination of the Timorese people and other human rights violations perpetrated by the Indonesian Army.

Since the Indonesian army invaded East Timor on 7 December 1975, the United Nations has adopted 10 resolutions that describe the invasion as an illegal action, call on Indonesia to withdraw its army from East Timor and recognize the right of self-determination of the people of East Timor. Yet these resolutions have been ignored by the Indonesian Government, which has committed an act of genocide against the Timorese people. They have murdered more than 200,000 people — a third of the original Timorese population. Many of the victims have been my relatives and friends. I myself have been tortured by Indonesian troops. Today, gross human rights violations continue to occur systematically. In 1995 alone, hundreds of civilians have been arbitrarily arrested or subjected to torture and extrajudicial execution, such as the killings of six civilians in the town of Liquica on 12 January last.

Mr. Ali Alatas, the Indonesian Foreign Minister, has said that East Timor is a "pebble in the shoe" of Indonesia. For almost 20 years now, Mr. Alatas and his Government have been unable or unwilling to remove this pebble from their shoe. For over 20 years, the East Timor occupation has been creating increasing embarrassment and damage to Indonesia's reputation in the international arena.

Twenty years of resistance to the occupation by the people of East Timor proves that our right to self-determination is undeniable. Indonesia often argues that it has "integrated" East Timor into Indonesia and that this is a *fait accompli* based on the declaration of Balibo. However, the declaration of Balibo is a fraud. It has been denied by its signatories. For example, Mr. Guilherme Gonçalves, the former Governor of Timor Timur and a signatory of Balibo, said at the recent Intra-Timorese meeting in Burg Schlaining, Austria, that the Balibo declaration was not authentic and that he had withdrawn his signature from it. In addition to this indictment, Mr. Gonçalves also urged the people of East Timor to exercise their right to self-determination.

To help the Indonesian Government rebuild its image, which has been destroyed for almost 20 years, the National Council of Maubere Resistance had proposed a peace plan. This peace plan already has the support of much of the world community, including many members of the European Parliament, the United States Congress, the Canadian Parliament, the Australian Parliament and the Japanese Diet.

In addition to international support, this plan has the support of the Timorese people, of Indonesian intellectuals and academics and of leading figures in other parts of South-East Asia, such as the Philippines.

Allow me to elaborate on the CNRM peace plan.

Phase one would include Indonesia-Portugal talks under the auspices of the Secretary-General, with East Timorese participation, to put an end to the armed activities in East Timor; the release of political prisoners; a reduction in the number of Indonesian military personnel; the removal of armaments; an expansion of the activities of the Red Cross; a reduction in the number of Indonesian civil servants; a population census; access by the United Nations specialized agencies for the restoration and protection of the environment, resettlement, district development, health care for women and children, public health and immunizations; the restoration of all human rights; the removal of restrictions on the Portuguese language; the setting up of an independent human rights commission; and the establishment of a United Nations presence in East Timor.

Phase two would be a transition stage of autonomy, in which the East Timorese would govern themselves democratically through their own local institutions. This would require democratic elections, under the supervision of the United Nations, of a local assembly with a five-year mandate. Only East Timorese would vote and be elected. An East Timorese governor would be elected to a five-year term by the assembly, whose powers would include legislation concerning international relations, investment, property, immigration and other matters. There would be a withdrawal of all Indonesian troops and a further reduction in the number of the Indonesian civil servants; and a territorial police force, organized by the United Nations, would be placed under the command of the Governor. The Territory is to have no army. Phase two may be extended by mutual consent between Indonesia and the Timorese population, who would express their views through a referendum.

Phase three would bring self-determination. It covers preparations for a self-determination referendum, to be held within one year of the commencement of this phase, whereby the population may choose free association, integration into Indonesia or independence.

The CNRM peace plan is moderate and reliable, and will benefit both East Timor and Indonesia.

For almost 20 years the Indonesian Government has earned a bad reputation in the international arena due to its behaviour in East Timor. However, it is not too late for the Indonesian Government to reshape its image. At this time, I should like to appeal to the Indonesian Government to accept the olive branch that has been offered by the National Council of Maubere Resistance.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Panganiban (Pacific Concerns Resource Center) took a place at the petitioners' table.

The Chairman: I call on Mr. Panganiban.

Mr. Panganiban (Pacific Concerns Resource Center): The General Assembly, at its 2439th meeting, held on 12 December 1975, recognized the inalienable right of all peoples to self-determination and

independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960.

The United Nations Commission on Human Rights, at its forty-eighth session, in March 1993, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law, expressed concern at continuing allegations of serious human rights violations in East Timor.

Accordingly, I am petitioning on behalf of the Pacific Concerns Resource Center, a secretariat of the nuclear-free and independent Pacific movement, to register concern at continuing human rights violations in the Indonesian occupation of East Timor.

The people of the Pacific region were shocked when, in 1975, Indonesia invaded the former Portuguese colony of East Timor. It continues to occupy the colony as part of its Indonesian sovereign State. East Timor is also the scene of widespread human rights abuses. We hope that the Special Committee will use this occasion to stress our concern over these abuses and the pressing need to grant greater access to East Timor to international humanitarian organizations. We would also urge the Committee to seek the support of other Governments, apart from the South Pacific island States, for a lasting settlement, under United Nations auspices, of the East Timor conflict.

We support the 43 United States Senators who expressed their views in their letter to Mr. William J. Clinton, President of the United States, dated 2 July 1993, that "the United States should review its policy on East Timor". We believe that not only the Government of the United States but also those concerned Governments of the world should be asked to review their policies on East Timor with a view to facilitating serious negotiations at the United Nations that might alter the current unacceptable status quo. The review of policy should include the right of self-determination of the East Timorese people, as well as telling Indonesia that its occupation of East Timor since 1975 is unacceptable to all the parties to the conflict.

We ask this Committee immediately to solve the East Timor conflict and allow the East Timorese people to choose their own future. If this is not solved as soon as possible, we are of the view that Indonesia will continue to regard itself as an Asian leading colonial Power and no doubt will continue to apply the domino theory to invade other neighbouring States. This view must not be dismissed as a joke.

Indonesia should be told to find a way to let East Timor choose its own future. Indonesia should also allow more visits to East Timor by humanitarian organizations and visits with political prisoners, including Mr. Gusmão. It is important to remind Indonesia that any negotiation on the future of East Timor must involve Mr. Gusmão, under the auspices of the United Nations and without any preconditions, to explore all possible options towards a comprehensive settlement of the problems of East Timor. These problems can be solved if Indonesia is asked to release all political prisoners immediately, withdraw all Indonesian military personnel and allow the people of East Timor to elect representatives to represent them in their own legislature. All these and other related plans of action should be carried out under the careful guidance of the United Nations, its agencies and the Governments of Indonesia, Portugal, Australia and the United States.

We would like to call upon the Committee actively to ensure that East Timor becomes a sovereign nation. Accordingly, we suggest the following proposals for consideration by the Special Committee. First, the Committee should assume the responsibility to take appropriate actions to solve the conflict in East Timor, because the Committee is in fact responsible for decolonizing such countries as East Timor.

Secondly, the Governments of the United States, Portugal, Indonesia and Australia should be asked to cooperate with the United Nations to reach an acceptable solution for East Timor.

Thirdly, the world's Governments should support the current initiatives taken by Secretary-General Boutros Boutros-Ghali on the question of the future of East Timor.

Fourthly, the United Nations should challenge the leaders of the Governments who are continuing to oppose Portugal's moral obligation to support East Timor. The leaders should be further challenged for their support of the current status quo of East Timor, especially under Indonesia, a nation which has the worst record of human rights violations in the world.

Fifthly, the United Nations should ensure that the Indonesians know that, according to the universal principles of international law, East Timor is still

considered a Non-Self-Governing Territory in accordance with the norms that govern decolonization.

We are deeply concerned by the continuing human rights violations in East Timor and ask Indonesia, through this Committee, to fulfil the recommendations made in a statement on the situation of human rights in East Timor, as agreed by consensus by the Commission on Human Rights at its forty-eighth session. The solution to the East Timor conflict can be achieved through universal principles and international law. We ask the Committee urgently to determine the future of the people of East Timor.

May I recall that, regardless of what force may be used against the people of East Timor, we will continue to support them in their fight for freedom, justice and peace. Their dream will never die. They will one day be proud to say that they are citizens of the sovereign nation of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Jeannine Guthrie (Human Rights Watch/Asia) took a place at the petitioners' table.

The Chairman: I call on Ms. Guthrie.

Ms. Guthrie (Human Rights Watch/Asia): Human Rights Watch/Asia takes no position on the political status of East Timor. However, we believe that full information on the human rights situation there should inform the Committee's deliberations and discussions on the issue of decolonization.

Human Rights Watch/Asia welcomes the report of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, on his visit to East Timor in July 1994, and the Indonesian Government's cooperation with his efforts. His report corroborated the findings of many independent human rights organizations concerning the 12 November 1991 Dili killings and the Indonesian Government's response. In his report, Mr. Ndiaye criticized the Government's handling of the incident, asserting, for example, that the Government-appointed Commission of Inquiry into the killings was not independent and that none of its members had the technical expertise necessary to carry out such an investigation. He recommended, among other things, that the Indonesian Government conduct a more thorough investigation of the killings, provide a means of compensation for the families of the victims and take steps to put an end to the impunity enjoyed by the members of the Indonesian armed forces responsible for human rights abuses.

In a Chairman's statement on the situation of human rights in East Timor, the United Nations Commission on Human Rights, on 1 March 1995, noted the Special Rapporteur's report and expressed concern about the incomplete information regarding the number of people killed and persons still unaccounted for. The Commission called on the Indonesian Government to "continue its investigation on those still missing" (*E/1995/23, para. 590*) and to implement the recommendations contained in previous consensus statements of the Commission. We strongly endorse the Commission's concerns and recommendations.

Since our last statement before this Committee, human rights conditions in East Timor have continued to deteriorate. The situation worsened significantly following the Asia-Pacific Economic Cooperation Council (APEC) Summit in Bogor, West Java, in November 1994. The most flagrant violation involved the killing of six East Timorese men by Indonesian soldiers in Liquica, outside of Dili, in January 1995. This shooting incident is part of a broader pattern of abuses in East Timor, including disappearances, unlawful arrests and detentions, and the denial of freedom of association, assembly and expression.

Initially, the army reported that six guerrillas had been killed in Liquica in a clash with the army on 12 January. This claim was contradicted by local church sources, who said that all those killed were civilians, that the soldiers burned down huts in the area and that some villagers were also detained.

The killings prompted an international outcry. President Soeharto instructed General Feisal Tanjung, Commander-in-Chief of the Indonesian Armed Forces, to open an official inquiry. On 7 February, a team of officers led by Brigadier General Sumarna from the office of the Inspector General of Armed Forces headquarters went to Dili to investigate. At the same time, the Army Chief of Staff was asked to form a Military Honour Council to follow up on the results of the investigations and recommend disciplinary measures for soldiers found to have violated military procedures. We would note that a similar process took place following the 1991 Dili massacre. In that case, both the methods of investigation and the nature of the disciplinary measures were widely criticized. Many of the same

criticisms could apply to the 1995 official Liquica investigation, including lack of impartiality, lack of technical expertise, lack of transparency and lack of protection for witnesses.

On 16 February 1995, five members of the Indonesian National Human Rights Commission (KOMNAS) arrived in Dili to look into the killings. This was the second visit KOMNAS had made to East Timor since its establishment in 1993. They visited the site of the killings twice, on 19 and 24 February, and reportedly interviewed 10 witnesses, including family members of the victims and First Lieutenant Jeremias Kase.

Meanwhile, the Army publicized its version of events. General Feisal Tanjung said that some 45 guerrillas had been planning to attack the town of Liquica and that, if the army had not responded quickly, Liquica could have become a guerrilla base camp. He stated that four of those killed had been informants for the guerrillas and two were active fighters. Tanjung alleged that all six had been killed in the course of an effort to capture a guerrilla hideout and that the informants had been killed when they tried to escape.

On 2 March, KOMNAS announced its report on the Liquica killings and its dramatically different findings. The Commission stated that it had found evidence of acts of torture performed on the six victims prior to their death and noted that the soldiers had been reckless in endangering the lives of the six victims by placing them in the middle of armed conflict. Most crucially, KOMNAS asserted that all six victims had in fact been civilians or non-combatants. Its scathing report affirmed that the 12 January killings of the six East Timorese civilians were a flagrant violation of human rights. The KOMNAS report was received positively by local and international non-governmental organizations. It also served as a catalyst for some members of KOMNAS to propose the opening of a branch office for the Commission in Dili.

On 9 April, the Military Honour Commission announced that it would press charges against two soldiers, Lieutenant Jeremias Kase and First Private Rusdin Maumere, for violating military procedures that caused the deaths of six civilian East Timorese. Prosecutors said that in ordering the execution, Kase had violated his military oath and tarnished the image of the Indonesian Armed Forces in East Timor.

In a separate trial, Rusdin, who himself is East Timorese, said that the six people murdered had all been members of FRETILIN. He confessed that he had tied up six men before shooting them execution style. In June 1995, the military court sentenced Kase to four years and six months in jail, and discharged him from military service. Kase was found guilty beyond reasonable doubt of noncompliance with instructions from Infantry Lieutenant Colonel Tris Suryatman, commander of the Liquica District Military Command 1638. For his part in the killing, Private First Class Rusdin Maumere was sentenced to four years in jail and discharged from military service. The two were found to have made an error in implementing their commanding officer's orders to investigate the activity of the security disturbance movement. According to the order, they were supposed to capture individuals belonging to such a movement alive and to resort to violent measures only if they resisted arrest using violent means. The two soldiers were also faulted for not reporting the incident to their commanding officer.

The Jakarta-based human rights organization Institute for Policy Research and Advocacy (ELSAM) noted that Kase and Maumere generally received harsher sentences than the officers who committed the 1991 Dili killings. The heaviest sentence handed down against any security officer was 18 months. We would also stress that the two defendants in the Liquica killing were punished not for the murder of the six East Timorese, but for violating an order from their superior and for not reporting the incident. The Indonesian Government has yet to make public the findings of the official investigation of the killings, nor has it taken steps to provide compensation to the families of the victims. Families of the victims are afraid to come forward to claim the bodies of their relatives. It is crucial that a complete independent investigation of the Liquica killings take place and that those responsible be fully prosecuted and punished.

Hundreds of outstanding cases of disappearances also remain unresolved. As we have noted, there has been no further progress made on accounting for those who remain missing in the aftermath of the 1991 Dili shootings or, indeed, in more recent incidents. The United Nations Working Group on Enforced or Involuntary Disappearances has examined the situation of disappearances in East Timor. At the time of its most recent report, there were still 375 outstanding cases; 224 were said to have occurred in connection with the Dili killings. According to the testimonies gathered in East Timor by the United Nations Special Rapporteur, the total number of persons killed was estimated to be

between 150 and 260; other estimates were around 400. In his report, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions concluded that since the National Commission of Inquiry had completed its investigation no institutionalized or organized effort had been made by the Indonesian authorities to account for the fate of the dead and disappeared. Furthermore, the authorities did not allow independent human rights organizations, either domestic or international, to carry out investigations.

Among the latest reported disappearances in East Timor are those which occurred on 5 February 1995. Five people were abducted from the home of Armandina Gusmão Exposto, sister of imprisoned resistance leader Xanana Gusmão — despite the fact that a military post had been set up in front of the house in 1994 to watch who came and went. Of the five, three are believed to have escaped, and two have not been seen since.

Human Rights Watch/Asia has documented an increasing trend of arbitrary arrests against peaceful demonstrators or unarmed civilians alleged to be linked to the security disturbance movement or the anti-integration movement. These arrests usually take place without adequate official warrants, and are followed by a detention without trial ranging from days to several months. The detainees are usually held incommunicado and are subjected to torture and other kinds of intimidation. Among the most telling examples of such practices were the arrests of the students who took part in a peaceful demonstration at the University of East Timor in January 1995. Other incidents of arbitrary arrests involve military intelligence units of the Indonesian army. Military interrogation centres in East Timor are often used to detain East Timorese immediately after arrest; torture in these facilities is endemic.

In the three months following the APEC conference in November 1994, there was also a marked increase in the suppression of various anti-integration demonstrations and protests by East Timorese. Several demonstrations took place in conjunction with the APEC meeting and the anniversary of the 1991 Dili shootings. The most well-publicized protest took place in the compound of the United States Embassy in Jakarta. Twenty-nine East Timorese climbed over the wall of the American Embassy in Jakarta on 12 November, as the APEC meeting began, and proceeded to occupy the grounds for the next 12 days, demanding that President Clinton bring up the issue of East Timor in his meeting with President Soeharto. The 29 were eventually allowed to leave for Portugal, where they were offered political asylum on 24 November. Of 40 others who did not make it over the wall of the Embassy, four were briefly detained in Jakarta, and 36 others were sent back to their homes in East Java, where they were attending university. Throughout the rest of November, those students were summoned for interrogation or "guidance" by local military commands in the towns of Malang, Jember and Kediri; some were still facing petty harassment in January 1995.

Other demonstrations took place in Dili. There were at least five pro-independence demonstrations commemorating the 1991 killings. Two of these demonstrations took place on the campus of the University of East Timor. Indonesian riot police were deployed in response to each of the protests and there were confirmed reports that police used sticks and tear gas to break up the protests. Some of the demonstrators reportedly used violence. And though foreign journalists were allowed to travel to Dili during the APEC meetings, there were also reports of efforts to restrict foreign journalists covering the protests. Local officials accused a Japanese television crew of inciting "troublemakers" at the university, and later warned some 40 assembled foreign correspondents that they had better not "do anything to create a situation that is not peaceful". Six days later, four journalists, including two photographers, from the Associated Press and Reuters, were thrown out of Dili, one on the grounds that "anti-Government posters were found in his possession", and the other because he had come on a tourist visa rather than on a press pass. Both were told they "lacked valid documents". At the end of the month, the Government announced that 27 people would be prosecuted for their role in the disturbances in the preceding weeks.

When the international spotlight was turned off East Timor, two developments occurred: arrests, this time with much harsher treatment, of those suspected of having instigated the unrest; and the appearance of gangs of thugs, apparently acting at the behest of the Government. On 4 December, a former political prisoner named Hendrique Belmiro was arrested on suspicion of fomenting the demonstrations in mid-November. He was badly tortured and required at least seven stitches in his head as a result. Belmiro had been a member of FRETILIN at least as far back as June 1980, when he was arrested in connection with an attack on a Government broadcasting facility. He had been imprisoned for six years in Cipinang prison in Jakarta.

On 9 January, about 30 students held a peaceful demonstration at the University of East Timor with banners demanding freedom for Xanana and expressing opposition to Indonesian rule. Police commander Colonel Andreas Sugianto said that the demonstrators had broken into the university and had tried to get students to join them, and that fighting had broken out when students refused to join. There is no available verification of the police version of events, but many of the demonstrators were, in fact, registered students at the university. Twenty-four of them were arrested after 200 police and members of the armed forces arrived to blockade the university. Four foreign observers, who witnessed two demonstrators being seized and beaten by police, were detained and deported for taking pictures of the event. Government officials said the four, three Australian tourists and a Dutch woman, were asked to leave "for their own safety". Two foreign journalists were also asked to leave, according to the military commander Colonel Kiki Syahnakri, because their presence might be "provocative".

By mid-January, human rights organizations in Jakarta reported that 16 of the 24 arrested would be brought to trial; others would be released. Reuters reported that five of the 16 students had been sentenced to between 20 months and two years on charges of expressing hostility towards the Government, which carries a maximum sentence of seven years. Jose Antonio Belo, who was accused of being the leader of this demonstration, was sentenced to 18 months in jail.

Human rights organizations have expressed concern about access to counsel for these students and other prisoners awaiting trial. The six East Timorese who were arrested in relation to the November 1994 demonstration were reportedly being defended by a court-appointed lawyer based in Dili named Ponco Atmono, whom the Indonesian Government tends to call upon when political cases come up. Lawyers from the Jakarta-based Joint Committee for the Defence of East Timorese reported that the students were pressured not to grant the power of attorney to the Joint Committee for the Defence of East Timor.

Human Rights Watch/Asia welcomed the investigation conducted by the National Commission of Human Rights into the Liquica killings. We also hope the Indonesian Government will continue to extend its cooperation to the United Nations Special Rapporteurs and working groups. However, the Government must take additional steps if there is to be any real progress in ending the broad pattern of human rights violations in East Timor. We recommend the following:

All allegations of torture, disappearances, arbitrary arrest and extrajudicial killings should be investigated immediately and those found responsible prosecuted to the fullest extent of the law. The Government's decision to send an army investigating team and to establish a Military Honour Council will have been useful only if it serves to bring out the complete facts and if this leads to prosecutions of those responsible at higher levels.

The recommendations made by Mr. Bacre Waly Ndiaye, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, in his November 1994 report with respect to the 1991 Dili killings should be fully implemented.

East Timorese should be permitted fully to exercise the rights to freedom of expression, association and assembly, guaranteed not only by international human rights law but by the Indonesian Constitution.

Invitations to visit East Timor in the near future should be extended to the current Special Rapporteur on Torture and to the Working Group on Arbitrary Detention. Independent human rights organizations in Indonesia and international organizations should also be allowed unhindered, regular access to conduct human rights monitoring.

The practice of using military intelligence forces to arrest and interrogate suspects should cease immediately in order to prevent further instances of torture. Arrest and interrogation, according to Indonesia's Criminal Procedure Code, are functions of the police.

Detainees should be allowed immediate access to the counsel of their choice, as provided for in the Criminal Procedure Code, and full and unrestricted access to the Territory should be granted to journalists without special travel permits so that there can be full transparency and public reporting on human rights abuses.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Ben Wainfeld (TAPOL/The Indonesia Human Rights Campaign) took a place at the petitioners' table.

The Chairman: I call on Mr. Wainfeld.

Mr. Wainfeld (TAPOL/The Indonesia Human Rights Campaign): It is rather difficult to be the very last speaker at the end of two heavy days of petitions presented to the Committee. As a physician, I can only empathize with the mental and physical fatigue that the members of this Committee and the interpreters must be feeling.

On behalf of TAPOL, the Indonesia Human Rights Campaign, I should like to express my gratitude for this opportunity to speak here today on the question of East Timor.

During the past year, since this Committee last met, there have been some very significant developments in the efforts to seek an internationally acceptable, just and lasting solution to the question of East Timor, in particular the all-inclusive intra-East Timorese dialogue, held in Austria at the beginning of June this year. International attention has continued to focus on East Timor, with important consequences for developments in the Territory.

We also attach great importance to the ruling of the International Court of Justice on 30 June that

> "Portugal's assertion that the right of peoples to self-determination ... (which) has an *erga omnes* character, is irreproachable",

and that

> "the Territory of East Timor remains a Non-Self-Governing Territory, and its people have the right to self-determination".

But at the same time, the people of East Timor have been subjected to continuing human rights abuses at the hands of the occupation forces. There has been no letup in the level of violence and suffering.

There has long been tension between the policy of the Government in Jakarta, which is under constant pressure to respond to international condemnation, and the strategy of the military forces in East Timor, which are determined to prevent any expression of protest or show of support for the efforts under way on the international arena. But in recent years, the tension has greatly increased.

The occupation army has used a variety of tactics to suppress the East Timorese. When demonstrations occurred in Dili last November, at the time of the Asia-Pacific Economic Cooperation (APEC) conference, security forces were forced to exercise restraint because of the presence of the many journalists who were in Indonesia for APEC. On that occasion, we were even treated to the spectacle of armed police running away from unarmed demonstrators.

In January this year, with no journalists in the way, heavy-handed tactics were used against demonstrations in Baucau and Dili. The actual number of deaths in Baucau has not yet been ascertained. In March, the population was terrorized by "ninja" patrols in the pay of the army. But the "ninja" strategy was foiled by the organized reaction of local communities, who rallied to their own defence.

But the Liquica massacre of 12 January 1995 more than any other event, highlights the tension created by the conflict between the need to respond to the concerns of the international community and the continuing pattern of atrocities. The cold-blooded murder of six villagers in the district of Liquica was not, in itself, an unusual occurrence. The territorial troops who perpetrated the murders had been sent on a mission to destroy a guerrilla unit thought to be active in the area. The villagers rounded up during the operation were regarded as supporters of the armed resistance and therefore legitimate targets.

Information about the murders was disseminated fast, leading to an international outcry that forced President Soeharto to order the armed forces to initiate an inquiry. Last month two soldiers were convicted and sentenced. The Indonesian press reported at length on how unarmed non-combatants had been killed, each shot dead while handcuffed, squatting on the ground. Even though the four- and four-and-a-half-year sentences hardly fit the crime, they are unprecedented. For once, impunity did not apply. But the real culprits are the officers who decide on the strategy and those responsible for the illegal occupation of East Timor, which requires the armed forces to go out on killer operations against defenceless people.

Last month, a new commander was appointed to take charge of the East Timor military command. He is the fifth officer to be given the impossible task of pacifying the East Timorese since the Santa Cruz massacre of November 1991, a turnover that is unprecedented in the history of military appointments. Each new man has tried new ways to crush the resistance and intimidate the population, but none has succeeded. There was a time when a tour of duty in East Timor was

a sure way to advance a military career; today it is becoming a curse.

The army chief of staff recently said that in East Timor it is the clandestine front, not the armed resistance, that is the main security threat. What are the implications of this extraordinary admission? First, that the forces of occupation face a deep-rooted, well-organized movement, which, as the General admitted, includes not only youngsters and students but civil servants as well. And secondly, that there will be no reduction in the number of troops in the Territory, despite pleas for a cutback by virtually all diplomats who visit it.

Army officers who have recently been in charge of East Timor have publicly warned the Government that they cannot be expected to hold down the situation in East Timor as long as the United Nations continues to meddle in the issue. They allege that it is only external support, world-wide solidarity and the United Nations role that is keeping the resistance alive. Any event in the world arena — a meeting of the United Nations Commission on Human Rights, a meeting, under United Nations auspices, between the Indonesian and Portuguese Foreign Ministers, the Intra-East Timorese talks in Austria — becomes a pretext for yet another crackdown, more arrests and more "disappearances".

This is what must be giving Indonesia's unfortunate Foreign Minister many sleepless nights, not to speak of his band of hapless diplomats around the world who have the unenviable task of arguing in favour of integration. Only last week, Australian Foreign Minister Gareth Evans called East Timor "Indonesia's running sore", and admitted that the International Court ruling, which failed on procedural grounds to declare the Timor Gap Treaty unlawful,

> "will not reduce the impetus for Indonesia to resolve the continuing East Timor agony".

Jakarta's dilemma was further highlighted by Foreign Minister Ali Alatas, after a visit to East Timor last month. He complained that present conditions in East Timor made Indonesia vulnerable to foreign attack:

> "There are things which leave us open to human rights criticism. These things exist, we have to admit it. Our security apparatus, to be honest, sometimes reacts excessively".

What he longed for, he said, was a situation where

> "anytime someone wants to visit East Timor, we can just let them. If that is accomplished, not a single country, including Portugal, will be able to get other countries to keep making an issue out of East Timor".

Mr. Alatas could hardly have been more frank: two strategies are on a collision course. One seeks to assuage world opinion and press for an international solution through United Nations-sponsored negotiations; the other is the army's non-negotiable "security approach", based on its determination to crush the resistance.

And today there is another factor in this equation: the pro-democracy movement in Indonesia. More and more groups involved in the struggle for freedom of association, freedom of assembly and freedom of the press are convinced that East Timor must be liberated from colonial domination, that democracy in Indonesia also means giving East Timor the right to choose.

The true source of the tension between two wings of the Indonesian Government, both of them dedicated to clinging to East Timor, is the determination and courage of the people of East Timor. We urge this Committee to recognize that their resolve is the bedrock for any move by the international community. The United Nations has a crucial role to play in resolving the question of East Timor. Its key tasks are to take all measures to protect the population against human rights abuses and to set in motion the process for an act of self-determination.

In this, the twentieth year of Indonesia's illegal occupation of East Timor, we appeal to this Committee to recommend concrete action to secure these two objectives.

The petitioner withdrew.

The Chairman: We have thus concluded the hearings on this item. On behalf of the Committee and on my own behalf, I wish to express the Committee's appreciation to the petitioners for their statements and for the information they have furnished to the Committee.

Organization of work

The Committee will continue consideration of and conclude this item at its meeting tomorrow morning. Thereafter, the Committee will begin consideration of the question of the Falkland Islands (Malvinas), the question of New Caledonia, Special Committee decision of 15

August 1991 concerning Puerto Rico, the hearing of a petition on the United States Virgin Islands, the question of Western Sahara and the report of the Working Group.

As the agenda for the next two days' meetings is quite extensive, I would urge all members to conclude their consultations with respect to the remaining items and be prepared to take action on them. I would also urge — and I emphasize "urge" — members to be on time.

The meeting rose at 6.35 p.m.